

Community Conserved Areas:

Legal Framework for the Natural Park of the Ampezzo Dolomites (Italy)

*Stefano Lorenzi**

*Grazia Borrini-Feyerabend***

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* Secretary, Regole of the Ampezzo Valley.

** Vice Chair for Europe, IUCN Commission on Environmental,
Economic and Social Policy (CEESP).

Abstract

Considering its relatively limited size, Italy is one of the richest countries in terms of world heritage sites. Forty-two of its 44 world heritage sites are, however, listed for exceptional cultural value and only two for outstanding natural value. One of these, the Dolomites, includes the country's best example of a community conserved area, a type of governance that IUCN now refers to as 'indigenous and community conserved area' (ICCA).

The Natural Park of the Ampezzo Dolomites (Dolomiti d'Ampezzo) lies at the heart of the Dolomites World Heritage site. It has been a regional natural park for over 20 years. While its management practices are the same as those of many other protected areas, its history and governance type set it apart. First, more than half of the protected area belongs to a group of ancient farming communities, the Regole of the Ampezzo Valley (Regole d'Ampezzo), which has used and maintained the land as common property for nearly 1,000 years. Second, while many communities consider the declaration of a protected area to be an imposition, and actively resist it, the Regole of the Ampezzo Valley actively sought protected area status for a large part of its common property. Third, the Regole obtained full control over regulatory, technical and financial decisions for the entire territory of the protected area, including the portion of the park that is state owned. Lastly, but possibly most importantly, the Regole succeeded in bringing about modifications to regional and national protected area laws in favour of collective ownership and community management of protected territories, opening the way for Italy to conform to Convention on Biological Diversity recommendations.

This case study traces the history of a community organization that, for a thousand years, has held and shared under unbroken communal property a land rich in forests, pastures and related biodiversity. It explores the way in which ancient customary laws for the governance of this territory have survived practically unchanged in an environment that is now also home to millionaires' villas and elite tourism. The steps through which the Regole won statutory recognition for its customary law are described, along with the institutional arrangements in place for the governance and management of the natural park as well as the rest of the Regole's common property. Lastly, lessons are drawn from this long-standing ICCA experience and the challenges ahead are identified.

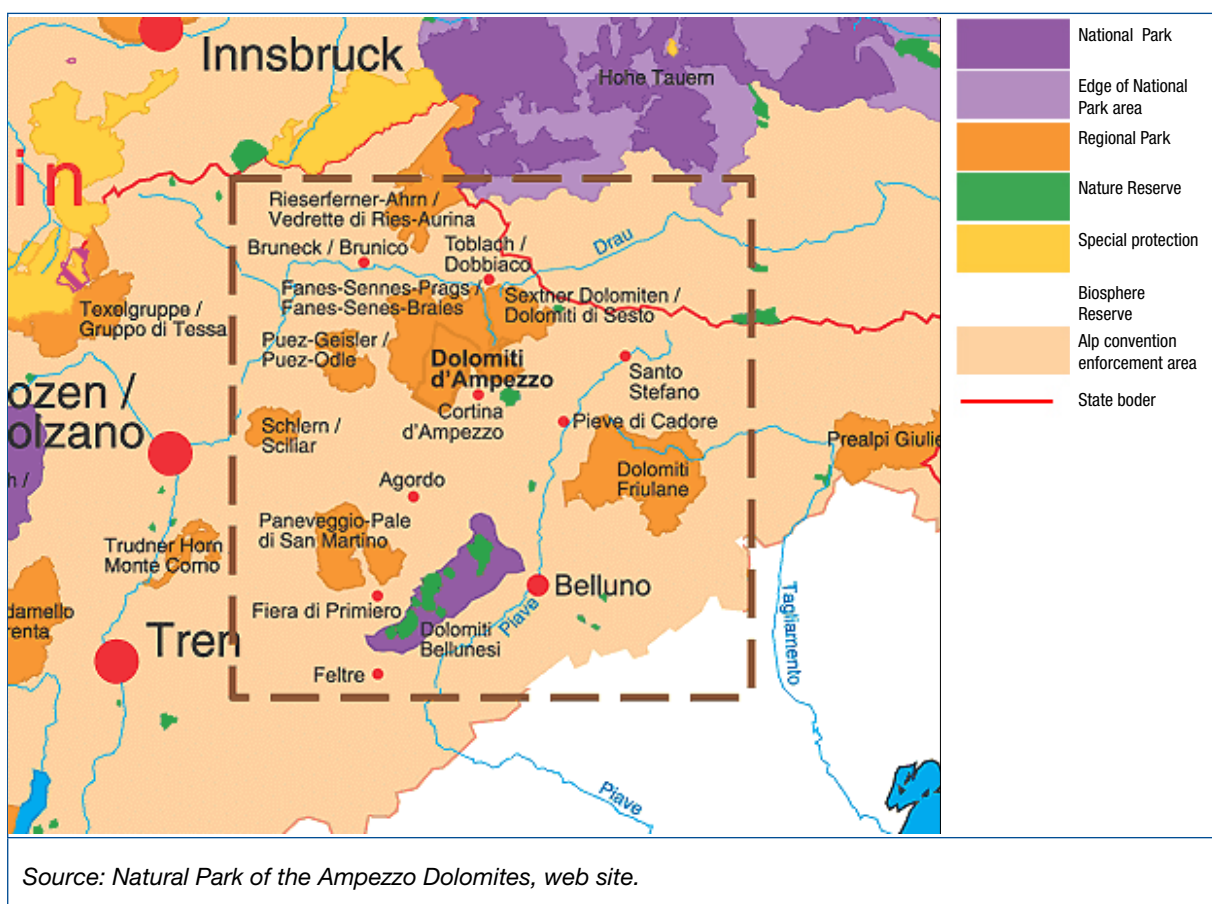
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1 Introduction

- 1 During the last decade, international conservation agreements and conventions have begun to focus on areas, territories and natural resources conserved by indigenous peoples and local communities. Such areas are referred to as indigenous and community conserved areas (ICCAs).¹ The Dolomites, a mountainous region in northern Italy that was declared a UNESCO World Heritage site in 2009, includes one of the country's best examples of a community conserved area.
- 2 At the heart of the Dolomites, the Natural Park of the Ampezzo Dolomites (Dolomiti d'Ampezzo) has been a protected area recognized by the Italian government for over 20 years. Situated on the eastern side of the Italian Alps, it covers an area of 11,418 hectares. To the north, it borders the Natural Park of Fanes-Senes-Braies; together they form a protected area with homogeneous environmental characteristics spread over approximately 37,000 hectares (see Map 1).

Map 1: The Regional Natural Park of the Ampezzo Dolomites



- 3 Encircled by mountains that reach 3,200 m, the park contains many of the outstanding natural features and landscapes typical of the Dolomites. It covers several alpine ecosystems including coniferous forests at medium elevation, dominated by Norway spruce (*Picea abies*), Scots pine (*Pinus sylvestris*) and silver fir (*Abies alba*); forests at higher elevation dominated by European larch (*Larix decidua*) and Swiss stone pine (*Pinus cembra*); and medium- and high-altitude pasture. Karstic formations occur in the Foses area, interspersed with caves and tunnels. The land has been used as pasture for several centuries.

¹ IUCN, the International Union for Conservation of Nature, has identified indigenous and community conserved areas as one of the four main governance types for protected areas, noting that they make a crucial contribution to national protected area systems. See Dudley, 2008.

The park is home to a number of endemic species of flora, among them the Dolomitic houseleek (*Sempervivum dolomiticum*), which is also the symbol of the park. Fauna commonly found there include several hundred chamois (*Rupicapra rupicapra*) and resident populations of Alpine ibex (*Capra ibex*), red deer (*Cervus elaphus*) and roe deer (*Capreolus capreolus*). The Alpine marmot (*Marmota marmota*), least weasel (*Mustela nivalis*), pine marten (*Martes martes*), red fox (*Vulpes vulpes*) and stone marten (*Martes foina*) are also common, especially at higher elevations, while the brown bear (*Ursus arctos*) is sighted occasionally. The birds most typically encountered are owls and woodpeckers, as well as hazel grouse (*Bonasa bonasia*) and Western capercaillie (*Tetrao urogallus*). Noteworthy is the extremely rare Eurasian three-toed woodpecker (*Picoides tridactylus*), considered a remnant from a pre-glacial era, which has been observed in the forested lower elevations of the Tofana peaks. 4

The park lies within the municipality of Cortina d'Ampezzo, in the Belluno province of the region of Veneto.² The resident community of Cortina numbers approximately 6,000 people who, at the height of the winter and summer tourist seasons, share the valley with tourists and second-home owners, bringing the total inhabitants to 40,000–45,000. 5

The Ampezzo valley has been a destination for international tourism since the 19th century. Chosen as the site for the Winter Olympics of 1956, Cortina d'Ampezzo became a favoured holiday location for the jet set, with politicians, industrialists and entertainers building second homes and luxury villas in the area. This occurred at a rapid pace, transforming much of the local landscape close to the village of Cortina. In the mid 1970s, however, the community decided to drastically limit the construction of new houses and, since then, it has blocked practically every new building permit. This has guaranteed the conservation of the territory but also fuelled a disproportionate rise in the price of real estate and the cost of living. 6

Today, the Ampezzo valley remains one of the most famous tourist sites in the Italian Alps. In summer, the valley is frequented by hikers and climbers who test themselves on world-famous cliffs named after their first conquerors. In winter, downhill skiing is the main attraction, with hundreds of kilometres of slopes served by good infrastructure. But the natural wealth of the valley continues to be its main attraction. The local community is very aware that environmental conservation is indispensable for the maintenance of the tourism-based economy and makes prudent choices when it comes to developing new infrastructure or subjecting the land to tourist uses. 7

Despite the highly speculative real estate environment, the community has managed to preserve a culture of sound management with respect to its territory, maintaining natural resources in an excellent state of conservation. This is largely because of the existence of a local institution, the Regole d'Ampezzo (literally, 'Rules of the Ampezzo Valley'³), a federation of 11 villages that, for about a thousand years, has held and shared under unbroken common property a large territory of forests and pastures.⁴ 8

The traditional role of the community in maintaining the land was recognized by the government in 1990, when the Regional Natural Park of the Ampezzo Dolomites was designated, with the Regole serving as its officially assigned autonomous governance body. The park covers a large part of the collective assets of the Regole,⁵ as well as land belonging to the state. The Regole owns close to 59 9

2 In Italy, the region is the main administrative subdivision, followed by provinces and municipalities (or communes).

3 The rules (*regole*) that the villagers adopted to manage their territory through the centuries have become the name of the institution: Regole d'Ampezzo.

4 Cortina currently has about 6,100 residents, divided into 2,500 households. The Regole of the Ampezzo Valley is made up of 1,2000 individual members, representing approximately 1,000 households.

5 The Regole's property covers approximately 15,850 hectares, of which 6,700 hectares lies within the protected area and 9,150 hectares outside it.

per cent of the park, while the remainder belongs to the state. Within the park, the Regole manages both its own land and state property. Outside the park, the Regole owns more than 80 per cent of the territory of the municipality of Cortina.

- 10 While the management practices employed in the natural park of Ampezzo are the same as those used in many other protected areas across the country, its history and governance type set it apart. The conservation achievements of this community conserved area, and the process by which it was recognized and supported by the government, are illustrated in this case study.

2 The Regole

- 11 The Regole of the Ampezzo Valley—an ancient institutional form of collective property rights in natural resources, with detailed rules for their common use—is of great interest as an example of community governance.⁶ The Regole is a community institution typical of the Alpine mountains (see Box 1). Thousands of such institutions existed in the past and many are still functioning today. The practice of communities federating together and establishing their own rules through a common charter (*laudo*)⁷ was a widespread phenomenon in the Middle Ages, especially in mountain border areas that lay at a distance from the centres of political power. The Regole of the Ampezzo Valley consists of 11 such associations, representing the ancient villages of the area, which formed a federation. The Regole of the Ampezzo Valley assembles and coordinates these pre-existing village-based regoles.
- 12 Similar to 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 collectively organized forest clearing for human uses. Every family had and still maintains today rights to the cut timber for its own housing needs, rights to a firewood quota for heating in winter (proportional to the size of the family), rights to pastures for livestock, and rights to the fruits and the mushrooms of the underbrush.
- 13 In ancient times the Ampezzo valley was a border area of the Roman Empire. It was subsequently claimed by the Holy Roman Empire and then by the Patriarchy of Aquileia. Over the succeeding centuries it became part of the Republic of Venice, the Empire of Austria, the Kingdom of Italy and, finally, the Italian Republic.
- 14 In the late Middle Ages, the community of Ampezzo produced its own independent rules to manage private and collective life. These were written codes that the community succeeded in having recognized and approved by the princes and kings that successively exercised their dominion over the region. The first available historical document to mention one of the 11 Regole of Cortina dates back to 1225.
- 15 In the centuries that followed, the community of Ampezzo managed to maintain the use of its customary law, for example by exercising its own civil and penal justice. Residents of the valley were also partially exempted from paying taxes and from carrying out military service, provided they promised to defend the nearby borders if and when necessary.
- 16 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 not leave the local system completely unaffected. The community was required to deal with the establishment of a local municipality and increasingly

6 Indigenous and community conserved area (ICCA), governance type D for protected areas; see Dudley, 2008, p. 27 (Table 3).

7 From the Latin, “*laudamos quod...*” (“we decide that...”). The plural form is ‘*laudi*’.

became subject to laws and institutions imposed by centralized state powers. Similarly, interaction with the Italian Republic after the end of the Second World War was not easy, particularly concerning the recognition of the Regole. Customary rules nevertheless continued to operate throughout the 20th century and into the 21st century, despite the progressive diffusion of party-based representative democracy.

Today, the territory of the Regole is still common property, owned and managed by the community through ancient customary rules recognized by the contemporary legal system.

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Box 1: The Regole of the Ampezzo Valley

The Regole of the Ampezzo Valley does not include all the residents of the municipality of Cortina. The 'regolieri' (members of the Regole) are the direct descendants of the families that inhabited the valley in ancient times. The Regole today consists of 1,200 members representing 1,000 households, accounting for roughly 40 per cent of all households in Cortina.

The title of 'regoliere' is hereditary. It is acquired by each son of a regoliere upon reaching the age of 25. If a regoliere has no son, the rights pass to all his daughters, who retain them if they do not marry outside the community. This system has its historical logic, related to the fact that the valley could only support the livelihoods of a limited number of families. If rights were extended to all new residents, it would have been impossible to fulfil the needs of the community. To maintain their livelihoods, the community closed itself off, excluding newcomers from the rights enjoyed by the original families. This remains the case today since, with the development of tourism over the course of the 20th century, new job opportunities have seen people from other areas migrating to Cortina in large numbers.

Patrilineal privileges are considered old-fashioned in contemporary Italian society but remain active in the case of the Regole. It is worth noting that for some years the Regole has been working towards a modification of the *laudo* to reduce the difference between male and female members. The idea has, however, met resistance from conservative elder members.

2.1 Legal status of the Regole

Communal ownership of property was once widespread in Italy and the rest of Europe, at a time when societies were based on the agricultural use of land and natural resources, and rules for the careful management of resources were critical for survival. Starting with the 'enclosure of the commons' in the early 13th century, through agricultural and industrial revolutions, to monetized economies, the privatization of land and the development of modern nation states, collective ownership has progressively become a residual phenomenon, unknown to many people and at times forgotten by the very communities that once practised it.

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Even today, however, among some 'family communities' (*comunioni familiari*) in Italian mountain territories, land is jointly owned by all the families settled in that area. These communities collectively manage and enjoy the benefits of the land—including pasture, timber, firewood and various underbrush products, such as mushrooms—under regulations and independent statutes often dating back to the Middle Ages.

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Under this system, all collective properties are inalienable natural goods intended for the enjoyment of a well-defined community of users. The communities have ownership and use rights, grant concessions, manage the territory and carry out activities for the conservation of their communal property. Characteristic of this system is the indivisibility of the territory and its perpetual assignment to meet the needs of the community. The transmission of rights varies from village to village.⁸

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8 In several cases, as with the Regole of the Ampezzo Valley, rights are transmitted only to the male descendants of the original founders of the village. But even among the very traditional villages of Veneto, most 'family communities' also allow the transmission of rights to women and to residents who are not descended from the original founding fathers.

- 21 The Regole of the Ampezzo Valley, among more than a dozen others, is a typical example of a ‘family community’ of the mountain territories.⁹ Among its members, rights and duties are transmitted according to the *laudo*, the earliest of which was originally agreed in the 14th century.
- 22 From the 14th century onwards, the superior authorities (the patriarch, the republic, the emperor) allowed the communities of Ampezzo to use the Statute of Cadore for civil and penal administration. This statute, written in 1338, was the main law code of the community of Ampezzo and of the other villages of the Cadore area, of which Ampezzo was part.¹⁰
- 23 The Italian government recognized this system of collective property in the National Law on Mountains Areas of 1952.¹¹ The law allowed family communes in mountain territories to continue being governed and administered according to their respective statutes and customary rules.
- 24 While the 1952 legislation recognized the customary law of mountain communities, the Regole of the Ampezzo Valley was not mentioned, nor was it specifically put outside the operation of civil law. Specific recognition of the Regole of the Ampezzo Valley, and of similar institutions in three other communities, came in 1971, with the New Regulations for the Development of Mountain Areas,¹² which used the term “*comunioni familiari montane*” (mountain families with joint property ownership) and specified that these communities were not subject to civil law, but to their own customary law. The 1971 law excluded from its provisions any property acquired by the Regole of the Ampezzo Valley and the three other communities after 1952, and specified that their customary law would operate only with respect to the lands that belonged to these communities up to 31 December 1952.
- 25 The law of 1971 opened the way for the Regole of the Ampezzo Valley to acquire legal status as a ‘community of mountain families’ with legal personality under private law. In the same year, the Regole was incorporated and adopted a new *laudo*, which maintained intact all the ancient concepts and uses.
- 26 In 1975, the Region of Veneto applied the 1971 national law through regional legislation,¹³ which named the 11 regoles of Ampezzo and specified that they were “under the discipline” of the *laudo*.
- 27 In 1990, the Natural Park of the Ampezzo Dolomites was established by means of regional legislation,¹⁴ giving the Regole of the Ampezzo Valley administrative authority to manage the park. Among other things, the 1990 law provides for zoning within the park, the fines that may be imposed, and matters that are to be covered by the Environmental Plan.
- 28 More extensive requirements governing the operations of the Regole were to come in the New Provisions for Mountain Areas of 1994, which included general provisions concerning “organizations” that manage agro-silvo-pastoral assets.¹⁵ This 1994 national law stipulated that regional authorities

9 Examples of collective property include 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, and the Agrarian Partecipanze of the region of Marche.

10 The *laudo* governed the use of pastures and woods, while the Statute concerned civil and penal matters, as well as the use of common lands such as roads, cemeteries, bridges and public houses.

11 Art. 34. Collective ownership is also recognized by the New Regulations for the Development of Mountain Areas (1971) and the New Provisions for Mountain Areas (1994) at the national level, as well as by several regional and provincial laws. (For regional and provincial laws, see the list of legal instruments at the conclusion of this case study).

12 Art. 10–11. This law dealt with the Regole of the Ampezzo Valley, the Comelico valley, and other small localities. Many other collective properties were not covered by the 1971 law and waited until 1994 to be recognized.

13 Regional Regulations on the Management of the Patrimony of the Regole d’Ampezzo (1975).

14 Regional Regulations on the Establishment of the Park Dolomiti d’Ampezzo (1990).

15 Art. 3.

must regulate such organizations, ensure that they have legal personality, assure the participation of all members, register all such property, and provide measures to deal with the dissolution of such entities.

The provisions of the 1994 national law were applied in the Region of Veneto through a regional law enacted in 1996,¹⁶ which contains detailed provisions on how the Regole is to be administered. The regional law provides for the Regole of the Ampezzo Valley to be involved in urban planning and local development decisions, as well as in environmental management, forest management and the promotion of local culture. The regional law of 1996 specifically mentions a fund for the “reconstitution” of the Regole. 29

Over the years, amendments in various regional and national protected area laws have allowed for the governance of protected areas to be handed over to a collective private entity.¹⁷ These laws recognize institutions like the Regole as legitimate protected area governance bodies. 30

Both the *laudo* and the national law of 1971 firmly assert two concepts: the indivisibility of the territory and the exercise of rights over that territory by the descendants of the ancient families who originally established the Regole. 31

The Statestate, recognizing that the Regole conserves the land and its resources for the benefit of all, legally guarantees three prerogatives with respect to the property of the Regole: it is indivisible, inalienable and cannot be claimed by means of adverse possession (*usucapione*). In general, the following principles apply: 32

- the assets of the Regole cannot be transferred to a third party, nor can they be sold or exchanged;
- the property of the Regole is to be maintained for agro-silvo-pastoral activities in perpetuity;
- the assets of the Regole cannot be divided among the families that collectively possess rights, nor can a family identify a part of the territory in which to exercise its own specific rights;
- all uses of the property must be exercised collectively;
- claims cannot be made to the assets of the Regole on the grounds of adverse possession.

These prerogatives, which are now guaranteed by law, have always been intrinsic to the Regole’s use of the land and to the *laudo* that regulated that use. They demonstrate a deep respect for the territory that members of the Regole refer to as ‘ancient patrimony’ and consider to be sacred. In essence, the Regole operates according to the principle of inter-generational equity, making sure that future generations will be able to use and enjoy the territory. 33

The law recognizes the possibility that portions of the territory of the Regole can be used for agriculture, forestry and grazing, as well as for other activities such as tourism. But land may be given to other uses for no more than 40 years, and every square metre of land used for activities other than agriculture, forestry and grazing must be compensated by at least an equal amount of private land being assigned to forest and pasture. Once the temporary use has achieved its purpose, the land must be brought back to forest, pasture or agriculture. 34

Permission for this type of change in land use may be requested by individual members of the Regole, or by companies or public agencies. The Regole may grant the use of part of its assets in exchange for the assignment to pasture and forest of at least an equivalent amount of land to maintain the total size 35

16 Regional Law on the Reorganization of the Regole (1996).

17 See the National Framework Law on Protected Areas (1991), art. 22(e); and the New Regional Regulations on the Establishment of Regional Parks and Natural Reserves (1984), art. 7.

of the communal property. It also usually asks for the payment of rent, proportional to the area used and consistent with the type of activity. Such rent constitutes an important element of the income of the Regole.

Table 1: Chronology

1225	Earliest available document mentioning the Regole of Lareto, one of the 11 regoles of Ampezzo
1235	Earliest Statutes of Cadore
1237	Earliest document of the Regole of Falzarego
1338	Statute of Cadore
1356	Earliest <i>laudo</i> of the Regole of Falzarego and Ambrizola
1363	Earliest <i>laudo</i> of the Regole of Lareto
1420	End of Aquileia patriarchate, Ampezzo under the rule of Venice
1420	Second <i>laudo</i> of Lareto
1444	Second <i>laudo</i> of Ambrizola
1475	Earliest <i>laudo</i> of the Regole of Basse
1511	Ampezzo is conquered, pays homage to emperor Maximilian
1521	Treaty of Worms, Ampezzo given to Austria
1523	Ferdinand I ratifies Ampezzo Statutes
1806	Ampezzo and Tyrol under Bavaria
1810	Ampezzo given to Napoleon
1813	Ampezzo returned to Austria
1915	Cortina occupied by Italian troops
1917	Austria takes back Cortina
1918	Ampezzo occupied by Italian troops, becomes part of the Reign of Italy
1952	National Law on Mountain Areas (No. 991 of 1952) recognizes system of collective property and customary law of family communities in mountain territories.
1971	New Regulations for the Development of Mountain Areas (National Law No. 1102 of 1971) explicitly recognizes the Regole of Ampezzo and its customary law.
1975	Regulations on the Management of the Patrimony of the Regole d'Ampezzo (Regional Law No. 48 of 1975), applying the National Law of 1971, naming the 11 Regole of Ampezzo and recognizing the <i>laudo</i>
1977	<i>Laudo</i> currently in force (partially modified in 1981, 1984, 2003, 2005 and 2007)
1990	Regulations on the Establishment of the Park Dolomiti d'Ampezzo (Regional Law No. 21 of 1990)
1991	Framework Law on Protected Areas (National Law No. 394 of 1991)
1994	New Provisions for Mountain Areas (National Law No. 97 of 1994)
1996	Reorganization of the Regole (Regional Law No. 26 of 1996); repeals Regional Law No. 48 of 1975
Source: <i>Regole d'Ampezzo</i> , web site.	

2.2 Governance of the Regole

A great deal has changed between the village community of a century ago and the community as it is organized today. Until about 50 years ago, each household that belonged to the Regole worked on the land and extracted direct benefits from it. Today, direct agricultural and forestry use of the land by individual households is a marginal activity, and the Regole is a business, with managers and staff working on behalf of the community. This has been a matter of necessity: the land needed constant care but the *regolieri* were no longer able to provide labour free of charge because they were no longer peasants, but increasingly involved in other occupations, working as innkeepers, ski instructors, mountain guides and traders.

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The Regole is a profoundly democratic institution. All important decisions regarding the natural environment, including matters concerning the protected area, are taken by the General Assembly that gathers representatives of all member families (see Box 2). Timber extraction and the careful management of tourist activities allow the Regole to earn a sizeable income, all of which is re-invested in the conservation of the territory and the protected area. Members of the Regole contribute their labour, knowledge and skills.

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Box 2: Decision making within the Regole

The General Assembly is the decision-making body of the Regole and gathers at least once a year. All 1,200 members of the Regole are invited and about 600–700 persons usually participate. Decisions are taken by the General Assembly after lengthy discussions, taking into consideration differing opinions. All matters are decided by a vote, thereby ensuring support from within the community.¹ Decisions of the General Assembly affect not only the Regole's own activities but also those being planned and carried out by other private or public bodies, since such decisions have an impact on land uses that can be made in areas not owned by the Regole.

The administration of the communal property is entrusted to a board of directors, known as the Deputation of the Regole, comprising 22 members. Eleven of the members are Deputies, elected by the General Assembly for a period of three years, renewable for an additional term. The expiration of individual mandates is staggered, to ensure that the Deputation always includes some members elected in earlier years. The other 11 members, called *Marighi*,² represent the 11 *regole*s of the Ampezzo valley and have a one-year term. The Deputation of the Regole is headed by a President, elected from among the Deputies for a three-year term, which can be extended for a further three years by a decision of the General Assembly.

In this way, new persons are elected every year, introducing a change in the administration of the Regole and making it difficult for a single group to consolidate its power or promote its own particular interests. At the same time, a certain level of stability is ensured in the governance of the Regole. This system also extends to all members of the Regole the opportunity to participate in the management of the institution.

Within the Deputation, an Executive Board is also named. This is a smaller group of seven persons, chosen from among the Deputies and the *Marighi*, for the day-to-day administration of the institution. The College of the Mayors is a group of three members of the Regole, named by the General Assembly. They control the activities of the Deputation, particularly concerning compliance with the *laudo* and other laws, and supervise financial management. All assignments are carried out on a voluntary basis and only direct costs for travel related to official duties are reimbursed.

1 According to the *laudo*, a simple majority is required for ordinary decisions (forest works, budgets, shareholders), a two-thirds majority is needed for more important matters (modifying the *laudo*, tourist uses when requested by a member of the Regole), and a three-quarters majority is necessary to authorize tourist and other uses of the land when requested by companies or individuals who are not members of the Regole.

2 The term '*Marighi*' comes from the Latin '*majores*', which means 'the greater ones'.

The success of the Regole's management of their communal property is rooted in two main factors:

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- The first is the strong sense of community shared by the members of the Regole. Coupled with an ancient tradition of conservation and wise use, lived and handed down from generation to generation, this has fostered in the people of the Ampezzo valley a deep respect for common rules.

- The second factor is the sizeable economic wealth generated by the Regole's communal property from a variety of sources including forest products and rental fees for tourist and other uses of the territory. This income allows the Regole to remain economically independent, thus ensuring its autonomy.

- 39 Although the system of the Regole excludes political interference, party politics has at times attempted to condition the choices of its members. But since all important decisions are taken freely by the General Assembly, any vested interests or deals arranged under the table are eventually exposed. The regolieri are, however, also citizens of Cortina and live in the local economy. They are aware of the need to adapt uses of the territory to modern requirements. As a result, initiatives that affect the territory but are considered to be important for the life of the community are approved, with conditions where necessary, while proposals aimed at speculative gain are blocked by the General Assembly. The same criteria govern activities within the regional natural park. The Regole attempts to maintain a balance between human activities and the protection of the environment, both within and outside the park.
- 40 While the Regole is responsible for the governance of its own territory, public agencies and elected representatives have responsibility for the administration of land owned by the municipality. Where the municipality carries out its institutional duties, the Regole, as the private owner of more than 80 per cent of the territory within the municipality, is considered to be a privileged local actor. The Regole enjoys a good working relationship with the municipality, and the separation of roles and competences is agreed on an ad hoc basis among the Regole, the municipality and other agencies.

2.2.1 Managing conflict

- 41 An individual regoliere may enter into a dispute with the Regole. This usually happens when a regoliere defends a presumed individual right acquired on the collective property. The *laudo* of the Regole provides that the rights of a regoliere are suspended until the case is explained and discussed in the General Assembly and the General Assembly has decided on the matter. Being required to defend one's actions in the General Assembly is generally a powerful deterrent to such controversies. An amicable resolution is often reached before the General Assembly needs to intervene.
- 42 For the Regole of the Ampezzo Valley, the greatest threat to the property of the community comes not from individuals but from public agencies, which may on occasion pursue objectives that are incompatible with the protection of the environment and the values of the community. In such cases, the Regole can turn to the courts. But there is no guarantee that the judge hearing the case will understand the nature of the Regole's collective property or the fact that the institution places the interests of the community before those of an individual. In general, the Regole avoids legal controversy, preferring instead to settle disputes outside the courts.
- 43 In dealing with other public entities and statutory bodies, such as those in charge of taxation or commerce, issues usually arise from a lack of understanding about the Regole's unique status. The Regole works in close collaboration with a legal firm that provides advice on matters related to contracts and the relationship between the Regole and the private and public bodies that operate in the territory.

2.2.2 Resource management activities

- 44 The Regole is administered as a private company. Its primary activity is forest management and the cutting and sale of timber. Management of forest resources is carried out according to government directives that apply to all forests in the Region: the territory is divided into small lots where a specified

volume of timber can be extracted. Every forest lot is cut once every 10 or 20 years, and 30 per cent of the estimated wood volume increment since the last cut may be extracted, leaving the rest to augment the standing capital of the forest.

This system allows natural regeneration and protects the diversity of species. Beyond these technical requirements, the Regole has special rules of its own. For instance, timber extraction is avoided in the breeding season, and the nests and habitat of vulnerable species are protected. 45

Every year the forest yields approximately 4,000–5,000 cubic meters of timber, part of which goes to meet the needs of the regolieri for furniture or housing repair, while the remainder is sold to sawmills. Extraction is carried out by trusted timber companies. Branches and other parts of the trees that cannot be sold are collected by the regolieri for use as firewood. 46

Until the early 1990s, income from forests accounted for nearly 50 per cent of the total revenues of the Regole. Today, with difficulties in the timber market and the increased cost of labour, forest revenues amount to only 25 per cent of the Regole's total income. Its earnings are augmented by other careful uses of the territory. This includes rent on land used for Alpine huts, ski slopes and infrastructure, storage areas, and telephone towers. Rent is paid to the Regole as a company, and the income is used to manage land within and outside the park. 47

Activities such as cattle grazing and conserving highland pasture do not produce substantial income. Financial assistance is provided by the European Union for pasture maintenance but this amount varies from year to year and cannot be relied upon. Old shelters used by shepherds have been refurbished and adapted to serve as small farms that provide hospitality to tourists. Shepherds who watch livestock in the high pastures are not paid by the Regole but are allowed to use these mountain barns to host tourists. In this way, traditional activities are maintained and tied to the new tourism economy. 48

In addition to managing land and natural resources, the Regole is involved in cultural activities. It operates three museums, established with donations from regolieri and 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. Other cultural activities include a modest publishing enterprise related to the protected area; an initiative for the study and support to the Ladino language, which is still spoken by the majority of regolieri; and the organization of exhibits, conferences and excursions on topics related to nature and other subjects of local interest. 49

The Regole also receives bequests and donations of land and houses. In many cases, members of the Regole who have no direct heirs prefer to leave their assets to the Regole rather than to others. Property bequeathed to the Regole does not benefit from the civil law exemptions granted by the National Law of 1971, which stipulates a cut-off date of December 1952, and such land has the same legal status as ordinary private property. This land is nevertheless managed by the Regole in the same way as the rest of its common property. Houses donated to the Regole are usually refurbished and rented out to families. 50

2.2.3 Financial management of the Regole

All income of the Regole is used to maintain its own organizational structure, to manage the protected area and its own territory, and to pay salaries. The Regole currently employs 7 staff, 7 supervisors and about 10 seasonal workers, with additional workers contracted for jobs that the Regole cannot execute on its own. 51

- 52 The collective property of the Regole brings in a regular income, which allows the Regole to conserve the environment and maintain the quality of services. The diversity of sources of income compensates for periodic oscillations of any single revenue source, ensuring that total revenues remain more or less constant. The Regole prepares a consolidated annual budget as a company, within which income and expenditure related to the protected area is shown separately. Each year, the Regole also seeks special agricultural subsidies from the Region and the European Union.
- 53 No revenue is ever distributed among the regolieri. Individual families working in the territory have other forms of income, directly or indirectly tied to the income of the Regole.

3 The protected area

- 54 The idea of establishing a natural park on the collective property of the Regole dates back to 1979, when a dispute arose between the community and the Italian army. Military exercises being conducted on the pastures of the Regole damaged the land, affecting traditional activities as well as tourism, which was already well developed at the time. The Regole of the Ampezzo Valley approached the Region of Veneto, proposing that a natural park be established in the area, in effect extending the borders of the Natural Park of Fanes-Senes-Braies being created at that time in the Province of Bolzano, to the north of the Regole's territory. Confident that the protection of the natural environment was compatible with the uses the regolieri wanted to maintain in their territory, they believed that the creation of a natural park would help protect the land from use by the military and would also serve to put an end to periodic declarations by the national and regional governments concerning the construction of a freeway through the territory of the Regole.
- 55 In the years that followed, the proposal to establish the protected area was debated in the region as well as within the local community. One of the Regole's preconditions was that the Region of Veneto recognize the collective ownership of the Regole and its traditional management practices. While the administration of the Veneto Region was not averse to the idea of establishing a new protected area, it insisted that a new management entity, with representatives of the Regole as well as the local municipality, would have to be created. For its part, the Regole wanted nothing less than autonomous governance of the regional park.
- 56 The eventual outcome of the negotiations was favourable for the community. In 1990, the Veneto Region established the Natural Park of the Ampezzo Dolomites through specific legislation.¹⁸ The new park covered territory owned by the Regole as well as land belonging to the government. The law establishing the park was followed by an agreement between the Regole and the Region for the management of the natural park.¹⁹ In the agreement, the regional authorities define obligations and management objectives to safeguard environmental values, and commit to providing financial support, while the Regole is to contribute knowledge and skills, as well as financial and other resources.
- 57 Although the law and the agreement that regulate the establishment and management of the park name the Deputation of the Regole as the governing body for the protected area, all important strategic decisions related to the park pass through the scrutiny of the General Assembly of the Regole, to make sure that the community agrees with and adheres to them.

18 Regional Regulations on the Establishment of the Park Dolomiti d'Ampezzo (1990).

19 Convention of 30 October 1990 between the Region of Veneto (signatory Franco Posocco, Regional Secretary for the Territory) and the Regole d'Ampezzo (signatory Ugo Pompanin, President).

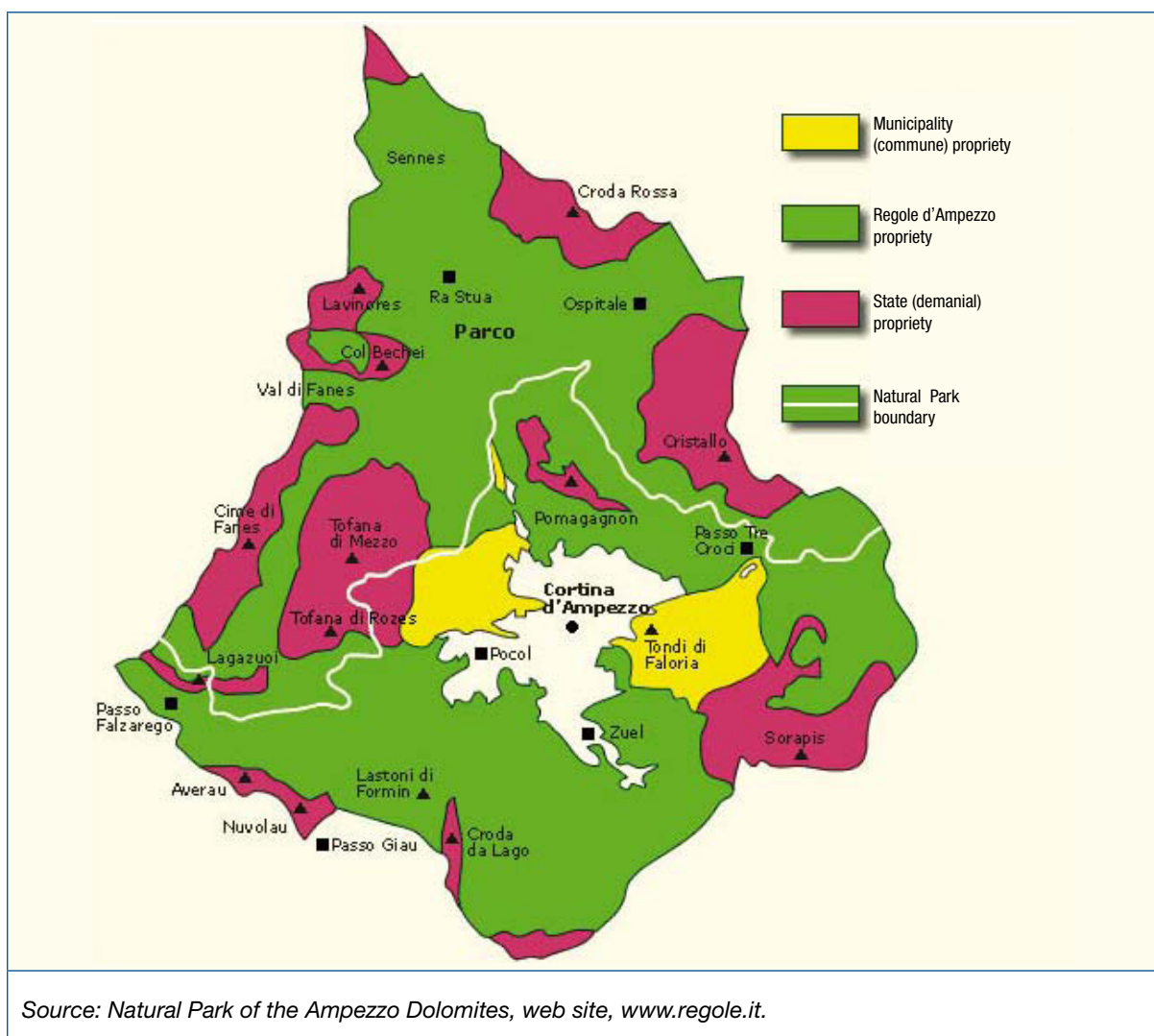
The total area of the natural park is approximately 11,400 hectares. Of this area, about 6,700 hectares is the property of the Regole, while the remaining 4,700 hectares is owned by the government but managed by the Regole. Government property includes the waterways, state roads and mountain peaks. There are also a few small, privately owned properties within the park, situated near the state road that crosses it.

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Once the park was established, the community did not set up a new management entity to administer it. The Regole took over management of the park, expanding its capacities by hiring new employees, labourers and supervisors. All activities within the park are governed by an Environmental Plan, which analyzes the natural assets of the land and regulates their use. The Environmental Plan applies to the entire park, covering both the Regole's land and the state-owned portions (see Map 2).²⁰

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Map 2: Land ownership in the municipality of Cortina d'Ampezzo



3.1 Planning

Following its establishment, it took nine years to study and plan for the park. The first Environmental Plan for the park was prepared by the Regole and approved by the Veneto regional administration in

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²⁰ The map shows the municipality of Cortina d'Ampezzo, with private property depicted in white.

1999.²¹ The Environmental Plan was amended in the year 2000 at the request of the Regole to include within the boundaries of the park an additional area owned by Regole where it wanted to build a park information office.

61 The Environmental Plan is the legal instrument that regulates the management of the park. It spells out the regional administration's objectives for the protected area and specifies permitted land uses in the territory.

62 Strategic decisions related to the protected area are made at the time of deciding the Environmental Plan. The plan is prepared by the Deputation of the Regole and approved by the General Assembly before it is sent to the Region for formal approval. It is updated approximately every 10 years or when a change in management direction it is considered necessary. Each update of the Environmental Plan is subject to the same approval process.²²

63 Coordination between the Regole inside the protected area and authorities outside the protected area is specified in the Environmental Plan, the 1990 law establishing the park, and the agreement between the Region and the Regole.

3.2 Management

64 The Regole's responsibilities with respect to state property are also governed by the Environmental Plan. State property within the park includes all waterways, state roads and mountain peaks. The waters are protected and the brooks cannot be altered. Particular agreements regulate fishing in some river beds, which is the exclusive right of the local residents. High-elevation zones (mountain peaks) are state property and fully protected, and no activity is permitted in such areas except for excursions and climbing.²³ The Environmental Plan describes the Regole's duties with respect to the maintenance of the state road that crosses the park and is the main connecting road between Cortina and the nearby Province of Bolzano.

65 Hunting is prohibited in the protected area but the Environmental Plan allows local hunters to cull chamois if necessary, under the supervision of the Regole and in collaboration with park guards.

66 Forests inside the park are managed in the same way as forests in the rest of the Regole's territory. No special protections or rules are needed for forests inside the park because general forestry laws and plans are sufficient for the purpose.

67 Land use within the park is more or less uniform, with no skiing facilities or permanent human settlements. The area is divided into two zones: a 'general nature reserve' and an 'agro-silvo-pastoral' zone. About 25 per cent of the park is set aside as nature reserves.²⁴ These are located in the most pristine areas of the park and include nine 'full reserves' and 11 'oriented reserves'.²⁵ The remainder of the park consists of woodland and pasture, including alpine pasture, as well as 4,000 hectares of forest land under regular forest management.

21 Approved by the Regional Council of Veneto with deliberation (No. 15, 24 February 1999) and subsequently published in the Regional Bulletin (No. 35, 20 April 1999).

22 Work is currently proceeding to update the Environmental Plan to bring it into compliance with the standards prescribed for Natura 2000.

23 According to the Environmental Code (Codice dell'ambiente), all high-elevation zones are protected. Areas at an elevation greater than 1,600 m above sea level are considered "landscape elements" (*beni paesaggistici*) and are automatically protected by law.

24 See Natural Park of the Ampezzo Dolomites, web site.

25 Full reserves are areas where no human intervention is permitted, while oriented reserves are areas where only minimal, strictly regulated human activity is permitted.

There are regulations governing the activities of visitors to the park.²⁶ These include restrictions on camping, setting fires, collecting mushrooms and other forest products, taking fossils or rocks, littering, and the entry of certain types of vehicles and aircraft. The dwelling, breeding and feeding places of animals are not to be disturbed. Park guards enforce rules, report offences and apply sanctions. 68

3.3 Enforcement

The Regole is required to use its own personnel for policing the park, but can also make agreements to use personnel from the province and the national forest service. Inside the protected area, the Regole has the legal power to enforce conservation rules. Staff can impose fines and park guards hired by the Regole have the status of judicial police officers. In general, the surveillance staff of the Regole works in collaboration with state forest guards as well as the police. 69

Some surveillance duties within the park are carried out by the municipality or by state forest guards. Recent changes in the duties of state forest guards have oriented their work towards analysis and intervention for safety and pollution control, thus requiring them to deal more with human activities and less with natural processes. State forest guards collaborate with the Regole, when necessary, but their surveillance is limited, since there are as few as three or four state guards for the entire territory. Similarly, forest guards of the province of Belluno assist with surveillance related to hunting, and forest guards of the Region of Veneto provide support in the surveillance of waterways and hydro-geological installations. But their focus is on activities outside the protected area. 70

Individual members of the Regole also play an important role in surveillance, communicating to the administrative staff any abuses or risky situation they identify. Their participation in the care of the communal property reflects their sense of community and ownership. 71

3.4 Finances

The protected area budget consists of a fixed amount disbursed every year by the Region of Veneto for ordinary activities, and an additional amount approved by the Region on a case-by-case basis for specific projects. Accounting for the protected area is included in the overall accounting for the Regole. The budget for the protected area is approved by the General Assembly, and an annual statement of income and expenditure is transmitted to the Region. This unique reporting arrangement required an amendment to the law, which was done in 1993, when an agreement was reached to include within the general budget of the Regole a specific section dedicated to the protected area. 72

Over the years, a relationship of mutual trust has developed with the Veneto Region, which is today concerned primarily with transparent and correct bookkeeping. The Regole is able to carry out new initiatives without the interference or supervision of the regional authorities. It offers a justification for why a particular initiative is needed and the Region establishes a limit for financial support. The Regole then undertakes the work, remaining accountable for expenditure. If the initiative is considered important but the Region cannot cover all costs involved, the Regole uses its own funds. 73

4 Lessons and challenges

Through the centuries of their existence, the objectives of managing the common property of the Regole have evolved. For most of that time, the main aim was to sustainably provide for the livelihoods 74

²⁶ See Natural Park of the Ampezzo Dolomites, web site.

of the regolieri. This was not an environmental objective per se but it ultimately served a variety of conservation purposes. Today the administration of the territory, which includes the Regional Natural Park of the Ampezzo Dolomites, is also guided by specific biodiversity objectives and sensitivity towards the environment in general. Members of the Regole understand that their common heritage has immense ecological as well as economic and cultural value. The careful management of forest and pasture is combined with activities to conserve animal and plant species, and preserve the aesthetic quality of the landscape.

- 75 The Regole as a company functions well, with a sizeable budget and good growth prospects. Its daily task is to maintain a balance between tradition and market forces, mediating between those who call for the strict preservation of the territory and those who favour relatively more intense exploitation. To date, the Regole has shown a strong tendency to select conservation rather than exploitation. Its success is demonstrated by the fact that in 2009 the Regional Natural Park of the Ampezzo Dolomites was included as part of a prestigious world heritage site.
- 76 The key to this success lies in the ancient rules of the community. But equally important is the financial and administrative autonomy that the Regole won for itself through negotiations with the Regional authorities, similar to what it managed to achieve in centuries past with various powers of the day. While acting in a diplomatic but firm manner with outside interests, in particular property speculators and commercial ventures, the Regole has also staunchly defended its communal property from pressures that came from its own members.
- 77 In the past, members of the Regole enjoyed direct benefits from the collective property, with timber and non-timber forest products making a significant contribution to their livelihoods. Today, their livelihoods depend mainly on salaried income. Benefits from the territory come to them indirectly, for instance through the business generated by tourist activities in the area. Most members of the Regole continue to care for their territory, investing time and effort in management activities, and actively participating in decision making, without financial remuneration. It is a challenge, however, to transmit to younger generations the community's ancient tradition of upholding the common interest and conserving the environment in the process. Today, and for the future, a key question for the long-term success of the protected area and the territory as a whole is to find ways for members of the Regole to once again benefit directly from their collective property, without sacrificing the traditional focus on conservation. At the same time, they must rekindle the interest and support of younger members of the community, who are solicited by external values and practices as never before in the life of this ancient community.
- 78 In this connection, the General Assembly has approved a plan for the construction of a few small hydroelectric plants, taking advantage of the brooks that cross the territory of the Regole. The environmental impact of such plants can be minimal. The electricity produced would be sold to the national electricity corporation and the earnings used in part to refund electricity charges paid by members of the Regole. The plan has been forwarded to the Region for approval. If this initiative goes ahead, the Regole will have succeeded in applying to a modern context its ancient tradition of collective direct benefit to its members.
- 79 The Regole could also take greater advantage of the national and international interest in community-governed protected areas. It has already begun activities in this connection, participating in two early gatherings of representatives of ICCAs in Italy²⁷ and in some Convention on Biological Diversity events.²⁸

27 The first held in 2004 in the Calabria region, and the second in 2005 in the Piedmont region.

28 For instance, the Second meeting of the Ad Hoc Open-ended Working Group on Protected Areas (WGPA 2), 11–15 February 2008, Rome, Italy.

The Regole is also a member of the National Council of Collective Property (Consulta Nazionale della Proprietà Collettiva), a national association established in 2006 and dedicated to defending, adding value to and disseminating knowledge about common property in Italy.

A recent study of ICCAs across the world revealed that communities engaged in conserving them ask for the following types of support:²⁹

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- formal recognition of their rights to land, water and natural resources;
- recognition and respect for the customary organizations governing their ICCAs;
- protection against encroachment and initiatives imposed from outside the community, whether for development, conservation or adaptation to climate change;
- support to engage and inspire the youth of the community;
- culturally sensitive programmes 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 organizing and networking with other ICCAs.

The success of the Regole, which has enjoyed nearly all these kinds of support, demonstrates what governments and communities can achieve if governments are willing to recognize and assist communities conserving their territories and resources. If anything, today some members of the Regole worry that the system is too well-oiled and does not provide a challenge to younger members of the community. In this sense, the main threat to the Regole may come from modernity and cultural change, with younger generations unable or unwilling to take on the responsibilities handed down to them by their ancestors.

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While the Regole of the Ampezzo Valley manages a thriving community-based conservation initiative, examples of this sort are relatively rare in Italy, most of them having been actively disempowered for the sake of private property and state control. An exception is the Park of the Partecipanza del Bosco delle Sorti di Trino, in the Piedmont region, but that community does not enjoy the same degree of autonomy as the Regole of the Ampezzo Valley and continues to be subject to the approval of its regional authorities.³⁰

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In general, the special legal nature of the Regole and other similar institutions is not well known or properly understood by the state bureaucracy and regional administrations. Even in academia, communal property and community governance of protected areas are themes that have yet to be properly explored. Although the Regole's governance of the Regional Natural Park of the Ampezzo Dolomites is supported by national and regional legislation, the fact that it is known only to a relatively small group of people in the country means that the potential benefit of this type of arrangement for other protected areas is not generally recognized or widely appreciated.

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It is hoped that in the years ahead the Regole of the Ampezzo Valley—the most extensive and well-organized example of a community conserved area in Italy—will increasingly embrace a role as an example and inspiration to others, within the country and beyond its borders. This may strengthen the national and international visibility and security of its particular legal status, rekindle the interest of its youth, and help the global case for conservation.

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²⁹ IUCN-CEESP, 2008. See also Borrini-Feyerabend, 2010.

³⁰ Other examples that may be considered for protected area status include the Università Agrarie del Lazio, in central Italy.

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Web sites

ICCA Consortium, <http://www.iccaforum.org>.

National Council of Collective Property (Consulta Nazionale della Proprietà Collettiva), http://www.jus.unitn.it/USI_CIVICI/consulta/home.html.

Natural Park of the Ampezzo Dolomites, <http://www.dolomitiparco.com/english>.

Regole of the Ampezzo Valley, <http://www.regole.it/indexUK.php>.

University of Trento, Study and document centre for civic domains and collective propriety (Centro studi e documentazione sugli usi civici e le proprietà collettive), <http://www.usicivici.unitn.it/home.html>.

Legal instruments

Most legal instruments discussed in this case study are available online. Readers may view the full text on the ECOLEX web site (www.ecolex.org) using the hyperlinks below, or at the URL provided.

National laws

Legge nazionale sulla montagna (National law on mountain areas), National Law No. 991, 25 July 1952 [LEX-FAOC093427](#)

Nuove norme per lo sviluppo della montagna (New regulations for the development of mountain areas), National Law No. 1102, 3 December 1971 [LEX-FAOC032716](#)

Legge quadro sulle aree protette (Framework law on protected areas), National Law No. 394, 6 December 1991 [LEX-FAOC005411](#)

Nuove disposizioni per le zone montane (New provisions for mountain areas), National Law No. 97, 31 January 1994 [LEX-FAOC004853](#)

Codice dell'ambiente (Environmental code) [LEX-FAOC064213](#)

Regional laws of Veneto

Norme per la gestione del patrimonio delle Regole Ampezzane (Regulations on the management of the patrimony of the Regole d'Ampezzo), Regional Law No. 48, 3 May 1975 [LEX-FAOC093336](#)

Nuove norme per la istituzione di parchi e riserve naturali regionali (New regulations on the establishment of regional parks and natural reserves), Regional Law No. 40, 16 August 1984 [LEX-FAOC032069](#)

Norme per l'istituzione del Parco delle Dolomiti d'Ampezzo (Regulations on the establishment of the Park Dolomiti d'Ampezzo), Regional Law No. 21, 22 March 1990 [LEX-FAOC093335](#)

Norme in materia di usi civici (Regulations on public use), Regional Law No. 31, 22 July 1994 [LEX-FAOC093341](#)

Riordino delle Regole (Reorganization of the Regole), Regional Law No. 26, 19 August 1996 [LEX-FAOC093340](#)

Other regional laws

Ordinamento delle Regole di Spinale e Manez (Ordinance for the Regole of Spinale and Manez), Provincial law of Trentino, No. 12, 28 October 1960 [LEX-FAOC093331](#)

Norme in materia di usi civici (Regulations on public use), Regional law of Campania, No. 11, 17 March 1981 [LEX-FAOC093332](#)

Norme in materia di usi civici e sull'uso produttivo delle terre pubbliche (Regulations for productive use of public lands), Regional law of Umbria, No. 1, 17 January 1984 [LEX-FAOC093334](#)

Norme per l'esercizio delle funzioni trasferite alla Regione Valle d'Aosta in materia di usi civici (Regulations on the exercise of functions transferred to the Region of Valle d'Aosta for public use), Regional law of Valle d'Aosta, No. 16, 22 April 1985 [LEX-FAOC093333](#)

Norme integrative in materia di usi civici e associazioni agrarie (Supplementary regulations on public use and agrarian associations), Provincial law of Bolzano, No. 34, 23 December 1987 [LEX-FAOC093330](#)

Norme in materia di usi civici e gestione delle terre civiche - Esercizio delle funzioni amministrative (Regulations on public use and administration of public lands - exercise of administrative functions), Regional law of Abruzzi, No. 25, 3 March 1988 [LEX-FAOC093339](#)

Disposizioni in materia di usi civici (Provisions on public use), Regional law of Friuli Venezia Giulia, No. 34, 18 August 1990 [LEX-FAOC093338](#)

Norme in materia di istruttoria per il riordino degli usi civici. Ecologia (Regulations on the reorganization of public use. Ecology), Regional law of Emilia Romagna, No. 22, 2 September 1991

http://www.italgiure.giustizia.it/nir/lexr/1991/lexr_27398.html

Nuova disciplina dell'amministrazione dei beni di uso civico (New rules for the administration of public property), Provincial law of Trentino, No. 6, 14 June 2005

[LEX-FAOC093337](#)

Other instruments

Convention between the Region of Veneto and the Regole d'Ampezzo for the management of the natural park, 30 October 1990. Signed by Franco Posocco, Regional Secretary for the Territory, and Ugo Pompanin, President of the Regole.