Journal of Alpine Research | Revue de géographie alpine

109-1 | 2021

La montagne et la gestion collective des biens :
quelles influences ? quelles interactions ?

Common Property and Local Development. Research Elements for Friuli Venezia Giulia (Italy)

Maurizio Daici

Electronic version

URL: <https://journals.openedition.org/rga/8191>

DOI: 10.4000/rga.8191

ISSN: 1760-7426

This article is a translation of:

Proprietà collettive e sviluppo locale. Elementi di ricerca per il Friuli Venezia Giulia (Italia) - URL :
<https://journals.openedition.org/rga/8221> [it]

Publisher:

Association pour la diffusion de la recherche alpine, UGA Éditions/Université Grenoble Alpes

Electronic reference

Maurizio Daici, "Common Property and Local Development. Research Elements for Friuli Venezia Giulia (Italy)", *Journal of Alpine Research | Revue de géographie alpine* [Online], 109-1 | 2021, Online since 08 May 2021, connection on 08 December 2022. URL: <http://journals.openedition.org/rga/8191> ; DOI: <https://doi.org/10.4000/rga.8191>

This text was automatically generated on 8 December 2022.

Creative Commons - Attribution-NonCommercial-NoDerivatives 4.0 International - CC BY-NC-ND 4.0

<https://creativecommons.org/licenses/by-nc-nd/4.0/>

Common Property and Local Development. Research Elements for Friuli Venezia Giulia (Italy)

Maurizio Daici

Common property in Italian legislation: from being a problem to being a resource

An institution of the past within a modern legal and economic system: how to harmonise it

The collective land ownership makes us inertially think about the pre-capitalist past, primarily characterised by a subsistence and self-sufficient economy in rural communities (Deane, 1971). As a surviving form of property, in opposition to the private property and its absolute availability by a specific person, whether natural or legal, it is also dealt with in university textbooks of Italian private law. Usually, in these textbooks, common property is associated with other collective rights to land resources which are related to past historical social and economic situations and are known in Italy generically through the expression “*usi civici*” (civic uses) (Rescigno, 1989, Iudica and Zatti, 2005).

- 1 “Civic uses” properly means to exercise rights such as gathering wood, grazing and gathering fruits or grass on land owned by others. These are collective rights because they are not exclusive to a single person but belong to all the members of a community, i.e. all the citizens (Latin *cives*) of a municipality (*Comune*) or a hamlet recognised as a municipal district (*frazione*), following the Italian local public system. This clarification might seem unnecessary, but it draws attention to a widespread point of view that has had significant consequences on a political and legal level. In fact, by Law no. 1766 of the year 1927 the land subjected to civic uses that cannot be released to a single owner is assigned to the local authority and managed under the formalities proper to public administration, i.e. according to principles and provisions of the administrative law. Even if the management is not in the municipal administration's hands but is

attributed to *ad hoc* administrative bodies (the committees of the “separate administrations of hamlet assets”).

- 2 The 1927 law aimed to define a single legal system for collective rights over natural resources, not ascribable to a title to the ownership or possession by an individual beneficiary or to an agreement under the terms of codified civil law, and to eliminate a source of disputes, due also to the preservation in the Kingdom of Italy of the legal systems of pre-existing States. Furthermore, there was the intention to encourage private property and the modern management of agricultural land by freeing this land from encumbrances and limits imposed with civic uses (Petronio, 1992).
- 3 Law no. 1766/1927 provides for the ascertainment of civic uses and, consequently, their liquidation in favour of people who claim a title to them in order to free the land for the free exercise of private ownership. The lands that are not released as an effect of ascertainment are assigned to the municipalities or the hamlets. They also include portions of the land discharged from the civic uses as compensation for the liquidation. Only on such lands the municipality or hamlet inhabitants can exercise the civic uses.
- 4 The law also provides that the land assigned to municipalities or hamlets as a result of the liquidation, as well as other land owned by municipalities and hamlets and charged with civic uses, if “suitable for profitable farming”, be distributed among “the peasant families of the municipality or the hamlet, with a preference for the less well-off, provided that they can plausibly derive the greatest benefit from it”. For this purpose, the law establishes, as a possibility, that technicians of the governmental authority implement projects of amelioration of the properties before their allocation among the farming families for ensuring the adequacy of the individual land units for cultivation and in relation to income requirements. Furthermore, a land allocation plan identifies the improvements and obligations to be borne by the assignee families. The allotment of land to private individuals results in an emphyteusis contract with payment of the relative rent and final redemption by way of ownership on the condition that the established improvements have been carried out.
- 5 At the last, other details of Law no. 1766/1927 are worth recalling because they have a historical significance regarding the economic condition of Italy in the 1920s, the role of the public authorities and the long-term effects of the regulatory arrangement:
 - The distinction of the land assigned to municipalities or hamlets into “land suitable for use as woodland or pastureland” and land suitable for profitable farming mentioned above. For the delimitation, the law requires that the population's needs have to be reconciled with the conservation of forest and pasture as national resources. For this reason, forestry and grazing have to be managed according to economic plans under the supervision of the State forestry administration. Now, forest planning remains a highly topical issue because of the phenomena of hereditary parcelling and abandonment of private land, which take large wooded areas away from rational, economically and ecologically sustainable silviculture.
 - The distinction between two categories of civic uses: those that are “essential”, necessary for the “needs of life” (“grazing and watering one's livestock, gathering wood for domestic use or personal work, sowing versus payment to the owner”), and “useful” (“in general, the rights to use the land in such a way as to obtain economic benefits, exceeding those necessary for personal and family sustenance”). The classification has historical interest, but, even if non-current, it is helpful for reasoning on the function of collective property today.

- The management of land assigned to municipalities or hamlets under the administrative law (“under the terms of municipal and provincial law”). Public management entails limitations, control systems included, over the possibility of a better valorisation of the resources. The situation is surmountable after the latest law on common property, Law no. 168 of the year 2017, but it is not easy to abandon, mainly when properties are managed by municipalities.
- Common properties historically managed by the families of a village (rural associations) are also ruled under public law. Subsequent regulatory interventions will try to distinguish and preserve under private law the autonomy of these ownerships and similar ones acquired as original right or consolidated through history and governed with statutes that also define the requirements for individuals or families to access the commons.

A resource for the development of mountain areas

- 6 In 1952, a first law (Law no. 991) was promulgated to implement Article 44 of the Constitution, which calls for measures favouring mountain areas. Law no. 991/1952 re-proposes the theme of the best rational exploitation of the agro-sylvo-pastoral resources in common lands, which is also basically present in Law no. 1766/1927, through the establishment –optional– of companies or consortia for their management. But it also safeguards the original legal *status* of the properties owned by the rural associations and similars (now named *comunioni familiari*, roughly translatable as “common properties of family organisations”), by recognising that these forms of ownership regulate themselves under their own statutes and traditions.
- 7 A second mountain law (Law no. 1102 of the year 1971) also deals with the common property of family organisations to reiterate that it is governed with statutes and traditions and not with Law no. 1766/1927 and, above all, to clarify that some typical ownerships in the Alpine area belong to this category: *regole di Cortina d'Ampezzo* (Cortina d'Ampezzo Rules), *regole del Comelico* (Comelico Rules), the *società di antichi originari della Lombardia* (Societies of Ancient Lombardy Inhabitants) and *servitù della Val Canale* (Val Canale Easements). Moreover, while the law, on the one hand, binds the properties of family organisations to agro-sylvo-pastoral uses, it, on the other hand, provides for their eventual destination for tourism purposes on condition that the primitive forestry consistency is preserved or reintegrated with the acquisition of other assets by way of compensation and establishes that land purchased after 1952 can be freely traded. Lastly, it is provided for the possibility of temporary uses, other than forestry, of the common pool resources under the regional authorities' supervision.
- 8 The latest mountain law, Law no. 97 of the year 1994, also deals with common property. The previous laws focused on the question of the legal status of the common properties of family organisations and the preservation of the original agro-sylvo-pastoral destination of their resources, with a moderate opening, under the 1971 law, for the use of them in line with the needs of an economy increasingly trended towards tourist activities in mountain areas. Instead, the 1994 law aims to enhance the value of agro-sylvo-pastoral assets belonging to family organisations and similar forms of common property, other than those managed by municipalities or hamlets, both as environmental resources to be protected and as economic resources with their “productive profile”. The valorisation is a task devolved to the regions, which are asked to renew the system of these private law properties. This includes the conferral of legal personality and - of interest for the argument of this article - the destination of the assets to activities other than traditional ones, on the condition in any case that the

ancient patrimony retains its primitive agro-sylvo-pastoral consistency, as well as the organisations' "involvement in urban planning and local development choices and the procedures undertaken for forest and environment management and the promotion of local culture".

- 9 Law no. 97 goes far beyond protecting family organisations and other similar social groups because it also requires the regions to guarantee their involvement in the above-mentioned public activities. It prefigures them to play a role as privileged actors in the local development processes in so far as representatives of collective interests.

Commons?

- 10 The reference in Law no. 97/1994 to environmental values of the common land has an important precedent in Law no. 431 of the year 1985, which subjects it to landscape constraint. The current Italian "Code of cultural heritage and landscape" approved with Legislative Decree no. 42/2004 confirms the constraint for the purpose to protect common land as a precious thing in itself, while the laws in favour of mountain areas, as also the law on civic uses of the year 1927, consider the economic function of common properties and the protection of connected subjective legal situations because of their relevance in specific social contexts. In the perspective of environmental regulation, the common properties are worthy of protection because the landscape moulded by commoners' secular activities appear a commons in so far as a general public interest. What comes to light here is the meaning of "commons", denoting resources to which all the citizens or people have the right. It is an aspect of the widening in the last years of the concept of commons in such a manner to embrace broadly material and immaterial resources that are essential to natural and social life such as, for example, the water, that was the object of an animated political debate in Italy (Marinelli, 2014).
- 11 But, what about the characterisation of common properties in Italy as commons also in a narrower sense? The reference is to institutions for exploiting common pool resources of the kind studied by Elinor Ostrom, characterised with self-organising or self-governing capacities and able to sustainably satisfy their beneficiaries over time with a lower cost than the one of exclusive private property (Ostrom, 2006).
- 12 The question is justified after Law No. 168 of 2017, which recognises all types of common properties, by giving the entities exercising rights in them a legal personality under private law and an own statutory autonomy (with the residual confirmation of the management of properties by municipalities in the absence of such entities).
- 13 In order to unambiguously denote all common ownerships, against the various names they have assumed in different places of the national territory and through the different historical modalities of their constitution, Law no. 168/2017 adopts the new standard expression "*dominio collettivo*" (collective domain). Well, according to Law no. 168, collective domains have their source of legitimacy in a "primary legal system of the original communities" characterised with autonomy ("capacity for self-regulation") as regards the management of assets, which form a patrimony qualified in the law as "inter-generational co-ownership".
- 14 Out of the legal narrative reconstructions (Marinelli, 2018; Oliverio, 2018), Law no. 168 restates the "perpetual agro-sylvo-pastoral destination" of properties and in general

their “inalienability, indivisibility and usucapion prohibition”, as past laws did, but, in a new perspective, protects common properties for the role they have regarding:

- the life and development of local communities;
 - the conservation and enhancement of the natural and cultural heritage, as stable components of the environmental system and historical institutions of the territories they belong to;
 - the ecological conservation of the national agro-sylvo-pastoral landscape;
- 15 and as a source of renewable resources to be exploited and used for the benefit of local communities.
- 16 But to define common property as a commons in Ostrom's sense, it is necessary to analyse the actual behaviour of the subjects who manage and use it (Bassi and Carestiato, 2016), even if Law no. 168, which recognises the autonomy of collective domains and protects their patrimony in so far as inter-generational capital that cannot be liquidated, already appears to be dictated by a legislator who considers this thought more than a possibility. Furthermore, the law represents the collective domain as a social organisation form whose role is not restricted to the property management sphere because it is an actor – defined “fundamental” – of local development processes in a perspective that transcends the direct interests of the domain's members. In this view, common property is something that includes a level of benefits other than that of the established use rights to resources: the level of the local development objectives to which the collective domain contributes with its assets and with its being the expression of a larger collective will (Chamber of Deputies, 2017, for the association of the collective domain with the concept of “common good” in the parliamentary debate on the law).

Common property in the mountains of Friuli Venezia Giulia

The regional context

- 17 In Friuli Venezia Giulia, a region in north-eastern Italy bordering Austria and Slovenia, common properties have a total estimated area of 7% of the regional territory (Carestiato, 2016), i.e. about 55,000 hectares, and are located both in the plains and in the mountains.
- 18 The 2010 agricultural census also surveys the common property area, but as utilised agricultural area (UAA) and as agricultural area (AA). The survey unit is the agricultural holding defined as a production unit with a holder. It means that land in use by third parties and land not associated with a production unit are not surveyed. For the region, the census gives a figure of 6,497 hectares of AA in common property out of 277,887 hectares, i.e. 2.34% of the regional total, while the respective national figures are 1,668,852 and 17,081,099 hectares, i.e. 9.77%, (Census, 2010; Greco, 2014).
- 19 The properties ascertained with the procedures of Law no. 1766/1927 and the family organisations' properties protected with Law no.1102/1971 affect 57 municipalities, of which 27 are in the mountain area according to the ISTAT classification by altimetric zones (Altimetric zones, 2020); but, in 2015 there are procedures of ascertainment under Law no.1766/1927 involving 90 municipalities in the region (Marchesi, 2016). On

the other hand, there are 27 collective domains in the regional mountain area: 5 hamlet administrations and 22 family organisations, the later ones almost all concentrated in the Val Canale valley (Nazzi, 2018). One can find slightly different data on the website <http://www.usicivici.unitn.it/> of *Centro Studi e Documentazione sui Demani Civici e le Proprietà Collective* (Study and Documentation Centre on Civic Land and Collective Properties) of the University of Trento, because it reports 8 hamlet administrations and 17 family organisations. The difference is probably attributable, for hamlet properties, to situations of inactivity and, for family organisations, to inactivity or lack of updates (Nazzi, 2018, for 2 unreported family organisations).

- 20 Before the 2017 law, which is supposed to have superseded Law No. 97/1994 on the recognition by the regions of legal personality to family organisations (Oliverio, 2018, on the controversial views on the innovativeness of Law no. 168), the Friuli Venezia Giulia Region had implemented Law no. 97 with its own Regional Law no. 3 of the year 1996.
- 21 The regional law essentially limits itself to defining a procedure for the attribution of legal personality under private law to family organisations and similars through registration in a special register and for the resolution of disputes between them and public administrations, in which case the Region must promote agreements to guarantee the environmental protection of the common land, preserve its agro-sylvo-pastoral nature, promote its development and prevent its alienation, division and usucapion. Besides, the aforementioned organisations have the right to access the benefits provided for with regional laws on agro-sylvo-pastoral activity and agritourism and the possibility of receiving “functions, for the execution of works and interventions of the hydraulic-forestry arrangement, land improvement and environmental protection of their real estate or that of individual owners”. Finally, regarding the organisations' political role, the regional law only states that “local authorities may provide in their statutes for forms and methods of coordination and cooperation with the recognised associations”.
- 22 It is undoubtedly less than what Law no. 97 provides for about the participation of commoners' organisations in urban planning and local development choices. The regional law does not regulate their role as interlocutors of public institutions, from the municipality to the Region, in the definition of local development strategies. And we are far from the political horizon opened up with Law no.168.
- 23 One wonders the reason for the Region's cautious attitude, which has never gone beyond Regional Law no. 3/1996. Perhaps simple inertia, as denounced by the *Coordinamento della Proprietà Collettiva in Friuli Venezia Giulia* (Coordination of Collective Property in Friuli Venezia Giulia), which also complains, however, the lack of initiative for a more significant enhancement of the common properties, which, on the other hand, not all municipalities would protect (Nazzi, 2016 and 2018). Above all, the issue concerns the ascertainment of civic uses and, consequently, the recognition of collective domain over properties registered in the municipal assets. According to the *Coordinamento*, while some municipalities leave “substantial agro-sylvo-pastoral assets” in a state of abandonment, others oppose the ascertainment and the establishment of hamlet committees because they want to manage the assets, and the revenues that derive, without the constraints of destination and conservation imposed with the state laws mentioned above (Nazzi, 2016).

- 24 Nevertheless, there are examples of common ownerships that have proved to be factors of social and economic development, with innovations in managing their patrimony in relation to current situations (Carestiato, 2016a and 2016b). We, too, give some cases in section 2.2.
- 25 From the point of view of local development policies, based on the peculiarities of the territories and aimed at exploiting the growth potential even in marginal areas (Barca *et al.*, 2012), these experiences appear significant: they reflect the “sense of community” that collective domains confer on their activities and which Barca *et al.* (2012) consider a manifestation of social capital, i.e. an element that place-based growth theories positively highlight.
- 26 A place-based development intervention is undoubtedly the LEADER approach (Servillo, 2019), launched by the European Commission in 1989 (LEADER I) and implemented in Italy by the regions since 1994 (LEADER II). Developed within the framework of the European rural development policy, LEADER currently (2014-2020) is a method extended to all European Structural and Investment Funds (ESIF) under the name of “Community-led Local Development” (CLLD) (Regulation (EU) No. 1303/2013). In Friuli Venezia Giulia, this local development instrument only concerns rural development (EAFRD) and the territorial cooperation programme INTERREG Italy-Austria (ERDF). As far as the Alpine area is concerned, LEADER is the reference experience of the Friuli Venezia Giulia Region for place-based programming.
- 27 LEADER has a strong bottom-up component. It bases itself on local public and private actors' participation in local action groups (LAGs), which take responsibility for defining and implementing local development strategies characterised by innovation and multi-sectoral integration. There is no doubt that the concept of social capital inspires the approach. One would, therefore, expect to find collective domains in the LAGs. Well, through a local association of theirs, the collective domains are in the partnership of only one of the four LAGs operating in the regional mountain area. These are the *vicinie* (family organisations named “neighbourhoods”) united in the *Associazione dei Consorzi Vicinali della Val Canale* (Association of Neighbourhoods Consortia of Val Canale). Regarding the other three LAGs, the collective domains absence concerns territories where hamlet assets management committees prevail in number over family organisations, and it is probably to be linked to a historical moment: nowadays, talking about the hamlets' assets, collective domains are in many cases still in search of political-institutional recognition rather than in the capacity of constructing relationships between institutionally recognised subjects, as already mentioned and as it appears from reading the online magazine of the regional coordination of collective domains, *La Vicinia* (<http://www.friul.net/vicinia.php>). Law no. 168/2017, however, seems to have opened a new phase because it lays the groundwork for a more widespread institutional recognition of the commons' autonomy, which is necessary for the better valorisation of common properties as factors of local development.

Experiences in mountain areas

Credit : Maurizio Daïci

- 28 In the following, we will briefly present some concrete situations concerning two hamlet assets administrations and one family organisation, as reported by representatives of this world (see map above for location).
- 29 The two separate administrations of hamlet assets are Pesariis (Municipality of Prato Carnico) and Givigliana-Tors (Municipality of Rigolato). The information was provided by Delio Strazzaboschi, secretary of the regional coordination of common properties. One can find further information at <http://www.pesariis.it/> and <http://www.givigliana.org/>.
- 30 Pesariis is a hamlet at the bottom of the valley with about 170 inhabitants, at an altitude of 750 metres; Givigliana has just over 10 inhabitants and lies on the side of a mountainous relief at 1,120 metres. Both villages are located in Carnia, a mountainous territory with 28 municipalities in the north-west of Friuli, bordering on the Veneto Region and Austria.
- 31 Pesariis holds 1,597 hectares of land, 55% of which is occupied with productive woodland and trees for use by the local population to obtain firewood, and the rest with protective forest, high altitude meadows, rocks, etc. It owns considerable building assets: the administration's office and the social centre with a modern meeting room in the former dairy, tourist accommodations in a disused school, a hotel, a shop, an alpine shelter and minor historical artefacts (a wash house and a fountain of sulphurous spring water from the 1920s). The administration is committed to economically efficient management. To this end, it has made investments and recruited staff. In this way, it has overcome the “in the forest” sale of timber (trees which have to be cut) with the “in the yard” sale (logs in a pile), to increase its commercial value. The

administration has also acted in an entrepreneurial way about the firewood that is due to the families as civic use, by cutting and delivering the wood to the families at a price below the market price, instead of allowing the families to collect the wood themselves. It is in this spirit that the cultural, tourist and commercial projects with which the hamlet administration seeks to support the social and economic life of the village have developed.

- 32 Givigliana-Tors' real estate is only 155 hectares of productive woodland, managed with the cooperation of the Pesariis administration. It also includes a former dairy converted into a social centre and restaurant and a former school building that the hamlet would like to convert into a tourist facility with 20 beds.
- 33 In general, the management of hamlets' forest resources needs to improve: there is a need to mechanise more the logging and moving away, initial processing, storage, etc. of timber in order to increase local employment and to obtain incomes from forestry to invest in services for the population and tourists. This is the new economic and social return for local communities by the common properties. From this point of view, cooperation between collective domains must be promoted to optimise the management of their assets.
- 34 In the north-east of Friuli, between the Carnic and Julian Alps, lies the valley Val Canale. Formerly Austrian, it became Italian after the First World War. Before, the border was on the bridge that joins the two areas of the little town of Pontebba: the Italian one (since 1866) and the former Austrian one, Pontafel. The municipality has 1,353 inhabitants (2020); the main centre is at an altitude of 568 metres. The border marked the history of the little town until the establishment of the current European economic common area and the collapse of the "Iron Curtain". In fact, customs controls were carried out in Pontebba, and forwarding agents were there; furthermore, the town housed two army barracks. The disappearance of border activities and military presence changed the local economy and confronted the town with a new reality.
- 35 In the Pontebba territory, has its properties *Nachbarschaft Pontafel-Consorzio Vicinale di Pontebba Nova*. It is a family organisation whose autonomy was protected with Law no. 1102/1971. In this case, the information comes from its president, Michele Kovatsch.
- 36 The organisation –a *vicinia* ("neighbourhood") according to terms in use throughout the Val Canale valley– was established in 1869 with the purchase of 3,467 hectares belonging to a former Carinthian fiefdom by the owners of 88 houses (*realità*) who already had timber rights on the feudal land. With the common ownership's establishment, the peasant families of the *vicinia* ceased to gather wood in the remaining forests of the feudal lordship. It should be pointed out that membership of the *vicinia* is dependent on ownership of any of the aforementioned 88 houses and that, therefore, the individual access to the common rights follows from the ownership acquisition of a house. For this reason, today, among the members of the *vicinia* there is also the Municipality as an owner of 2 *realità*.
- 37 In addition to the forests (1,400 hectares of productive woodland) and pastureland (600 hectares) with rural buildings (3 cowmen huts and 5 cattle sheds, for 3 alpine farms), the *vicinia* owns buildings in the town centre which it uses, one, as its own office and, the others (accommodations, shops for one commercial and two handcraft activities), rents out. The management of forest resources is limited to the "in the forest" sale of timber in auction lots, while two alpine farms are rented out. Although the alpine farms are close to the Austrian tourist resort of Nassfeld (a ski and summer resort

established at Pramollo mountain pass, where the State border runs), there is not agritourism: the presence of tourists or excursionists is exploited commercially only for the direct sale of cheese production. The latest (2020) livestock numbers are 40 dairy cows and 120 young beef bulls. Moreover, in the area of Pramollo Pass, the *vicinia* has a hunting reserve.

- 38 The owners of the *realità* are entitled to gather firewood regularly and cut trees for timber when they need it for the maintenance of their houses.
- 39 Regarding the motivations that led the families to set up the common property, linked to the needs of agriculture, it should be noted that, nowadays, agriculture concerns only three *realità* with a limited number of animals that do not require shared use of pasture. For this reason, consideration should be given to setting up a cooperative among the members of the *vicinia* to manage the alpine pastures with employees, in order to produce meat to be marketed with a quality label. There would be a willingness to do so. Moreover, talking about development projects, the idea is to use together with the *vicinia*'s common property the private assets, in partnership, to create tourist accommodation in existing buildings and mountain huts near Nassfeld-Pramollo. In the same area, and with the support of the *vicinia*, experiences of slow and wild tourism should be encouraged as a complementary or alternative proposal to Alpine skiing. One of the strengths of the common property is that it is non-profit, and the *vicinia* can reinvest its revenues for the development of the patrimony (works on the forest road network and on the buildings in the town centre) but can also “save” them for new development projects.
- 40 The Municipality, as mentioned above, is a member of the *vicinia*. This helps the relationship with the municipal administrators. Moreover, the Municipality owns thousands of hectares of forest and alpine pastures. This favours the definition of development strategies in an overall vision of the future of Pontebba and its surroundings.

Conclusions

- 41 National legislation identifies common property not only as an environmental value but also as a resource for development policies. From this point of view, the valorisation of the agro-sylvo-pastoral heritage alone is not enough. The collective domains must identify benefits for the whole territory to which they belong, by making the management of their assets available to this territory for different purposes and participating in the definition of local development policies.
- 42 On this point, regional legislation is timidly taking up the invitation of the national legislator. There are also difficulties in relations with the municipalities. However, as experience shows, collective domains “get busy” for the growth of their territories, by improving the management of their assets to offer opportunities for jobs and growth of the local economy, both in the agricultural-forestry sector and in other sectors, especially tourism. The collective domains should capitalise on these experiences as examples that can be proposed in mountain areas where there is a lack of such consideration for common property and strengthen their social profile by actively participating in the bottom-up processes of local development policies.

BIBLIOGRAPHY

- Altimetric zones, 2020.– *Classificazioni statistiche e dimensione dei comuni*. ISTAT. <https://www.istat.it/it/archivio/156224>. Visited July 2020.
- Barbina A., 1962.– *Le servitù boschive della Valcanale*. Camera di Commercio Industria e Agricoltura di Udine.
- Barca F., McCann Ph., Rodriguez-Pose A., 2012. – “The case for regional development intervention: place-based versus place-neutral approaches”. *Journal for Regional Science*, Vol. 52, No. 1 (2012), pp. 134-152. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1467-9787.2011.00756.x>. Visited September 2020.
- Bassi I., Carestiato N., 2016.– “Common property organisations as actors in rural development: a case study of a mountain area in Italy”. *International Journal of the Commons*, Vol. 10, No. 1 (2016), pp. 363-386. <https://www.jstor.org/stable/26522869>. Visited December 2019.
- Carestiato N., 2008.– *Beni comuni e proprietà collettiva come attori territoriali per lo sviluppo locale*. PhD thesis, University of Padua. http://paduaresearch.cab.unipd.it/903/1/Tesi_Carestiato.pdf. Visited May 2020.
- Carestiato N., 2016a.– “Le proprietà collettive: una risorsa per la gestione del paesaggio montano”. *I quaderni del Piano paesaggistico regionale del Friuli Venezia Giulia. 02. I workshop tematici [prima parte]*, pp. 86-89. https://www.regione.fvg.it/rafv/export/sites/default/RAFGV/ambiente-territorio/pianificazione-gestione-territorio/FOGLIA21/allegati/QUADERNO2_PPR_FVG.pdf. Visited April 2020.
- Carestiato N., 2016b.– “Le proprietà collettive: una risorsa per la gestione del paesaggio montano”. *I quaderni del Piano paesaggistico regionale del Friuli Venezia Giulia. 03. I workshop tematici [seconda parte]*, pp. 37-39. https://www.regione.fvg.it/rafv/export/sites/default/RAFGV/ambiente-territorio/pianificazione-gestione-territorio/FOGLIA21/allegati/30112016_terzoQUADERNO_PPR_FVG.pdf. Visited April 2020.
- Census, 2010.– *6° Censimento dell'agricoltura*. ISTAT. <http://dati-censimentoagricoltura.istat.it/Index.aspx>. Visited April 2020.
- Chamber of Deputies, 2017.– *Resoconto dell'Assemblea. Seduta n. 879 di giovedì 26 ottobre 2017*. <https://www.camera.it/leg17/410?idSeduta=0879&tipo=stenografico-sed0879.stenografico.tit00050>. Visited August 2020.
- Daici M., 1997.– “Il programma comunitario LEADER II”. *La panarie*, n. 114, September 1997, pp. 95-102.
- Deane P., 1971.– *The First Industrial Revolution*. Cambridge University Press, 1967.
- Gatto P., 2017.– “Accesso alle terre e assetti fondiari collettivi: uno sguardo alla situazione internazionale e italiana”. *Agriregionieuropa*, n. 49, giugno 2017. <https://agrireregionieuropa.univpm.it/it/content/article/31/49/accesso-alle-terre-e-assetti-fondiari-collettivi-uno-sguardo-alla-situazione>. Visited May 2020.
- Greco M., 2014.– “Le statistiche sulle Common Land nell'Unione Europea e in Italia”. *Agriregionieuropa*, n. 36, marzo 2014. <https://agrireregionieuropa.univpm.it/it/content/article/31/36/le-statistiche-sulle-common-land-nellunione-europea-e-italia>. Visited May 2020.
- Iudica G., Zatti P., 2005.– *Linguaggio e regole del diritto privato*, CEDAM.

- Mantino F., 2008.– *Lo sviluppo rurale in Europa*, Edagricole.
- Marchesi A., 2016.– “Le proprietà collettive: il lavoro di riconoscimento delle 'zone gravate dagli Usi Civici'”. *I quaderni del Piano paesaggistico regionale del Friuli Venezia Giulia. 03. I workshop tematici [seconda parte]*, p. 40. https://www.regione.fvg.it/rafv/export/sites/default/RAFGV/ambiente-territorio/pianificazione-gestione-territorio/FOGLIA21/allegati/30112016_terzoQUADERNO_PPR_FVG.pdf. Visited April 2020.
- Marinelli F., 1997.– “Settant'anni della legge 16 giugno 1927 n. 1766: ripensare gli usi civici”. *Giustizia Civile*, fasc.5. <https://dejure.it/>. Visited December 2019.
- Marinelli F., 2014.– “Beni comuni”. *Enciclopedia del diritto, Annali VII*. Giuffrè Francis Lefebvre. <https://dejure.it/>. Visited February 2018.
- Marinelli F., 2018.– “Dagli usi civici ai domini collettivi”. *Giustizia Civile*, fasc.4. <https://dejure.it/>. Visited December 2019.
- Merusi F., 2003.– “Il diritto 'sussidiario' dei domini collettivi”. *Rivista trimestrale di diritto pubblico*, fasc.1. <https://dejure.it/>. Visited December 2019.
- Nazzi L., 2016.– “Comunità protagoniste nella tutela del paesaggio”. *I quaderni del Piano paesaggistico regionale del Friuli Venezia Giulia. 03. I workshop tematici [seconda parte]*, pp. 41-44. https://www.regione.fvg.it/rafv/export/sites/default/RAFGV/ambiente-territorio/pianificazione-gestione-territorio/FOGLIA21/allegati/30112016_terzoQUADERNO_PPR_FVG.pdf. Visited April 2020.
- Nazzi L., 2018.– “Malghe collettive”. *La Vicinia*, maggio 2018. http://www.friul.net/articui_vicina.php?id=1125. Visited May 2020.
- Nespor S., 2013.– “Tragedie e commedie nel nuovo mondo dei beni comuni”. *Rivista Giuridica dell'Ambiente*, fasc.6. <https://dejure.it/>. Visited December 2019.
- Oliverio F. S., 2018.– “Verso una nuova definizione degli usi civici”. *Agriregionieuropa*, n. 55, dicembre 2018. <https://agrireregionieuropa.univpm.it/it/content/article/31/55/verso-una-nuova-definizione-degli-usi-civici>. Visited May 2020.
- Ostrom E., 1990.– *Governing the commons*, Cambridge University Press.
- Petronio U., 1992.– “Usi civici”. *Enciclopedia del diritto, XLV*. Giuffrè Francis Lefebvre. <https://dejure.it/>. Visited February 2018.
- Rescigno P., 1998.– *Manuale del diritto privato italiano*, Jovene.
- Rose C. M., 2020.– “Thinking about the Commons”. *International Journal of the Commons*, 14(1), pp. 557–566. DOI: <https://doi.org/10.5334/ijc.987>. Visited February 2021.
- Servillo L., 2019.– “Tailored polities in the shadow of the state's hierarchy. The CLLD implementation and a future research agenda”. *European Planning Studies*. <https://doi.org/10.1080/09654313.2019.1569595>. Visited July 2020.

ABSTRACTS

A few decades ago, common land ownership was viewed as a legal institution of the past, irreconcilable with the modern capitalistic economy, that required private ownership. With this opinion, in 1927, the legislator mainly acted to get the agricultural properties free from common uses (grazing, gathering wood, etc.) and to reduce the extensions of the properties opened to a shared utilisation, by putting them at the same time under the authority of the municipalities.

However, from the 1950s, law provisions for special measures in favour of mountain areas indicated the common properties (meadows, forests, farm buildings) as valuable resources for development initiatives, not only in traditional activity sectors (especially in the touristic sector). Besides, they protected the self-government of some typologies of shared ownership. Finally, in 2017, a law stated the principle of self-government of all common ownerships and the concept that these ownerships are local development elements. Nevertheless, for a role in the local development, the representatives of the common ownerships have to change their interests from the mere conservation of their assets to targets of social and economic development of the entire territory which they live in, and to overcome, if necessary, the suspiciousness of regional and municipal institutions which experiences in Friuli Venezia Giulia show.

INDEX

Keywords: Community, Resources, Local development, Change, Law

AUTHOR

MAURIZIO DAICI

An official of the Autonomous Region of Friuli Venezia Giulia until 2020, always dealt with the socio-economic development policies concerning the mountain territories. Among other things, as responsible for an organizational position dedicated to local development, he followed the planning and implementation in the regional context of the LEADER European measure and the national strategy for internal areas. He has got degrees in philosophy and political sciences at the University of Trieste.

mauriziodaici@gmail.com