

The common land of Cortina: Perceptions and Policies through history

Margherita Pieraccini

Abstract

The *Regole* of Cortina d'Ampezzo present an interesting case of a collective property rights system in contemporary Italy. The focus on a particular case study is not only determined by a methodological choice but it is a necessary consequence of the historical heterogeneity of Italian commons. A reference to the diachronic profile of Italian commons will in fact show the plurality of realities existing prior to the national law of 1927(1766/1927) on the 'reordering of *uti cives*'. The homologating effects of the levelling philosophy underpinning the 1927 statute, which remains in force today, will be explored. Driven by Mussolini's agrarian capitalist development, the national law attempted to silence many customs and local statutes with the political invention of a monolithic national common land. However, the framework of regional decentralisation subsisting in Italy has proven helpful for Cortina. An analysis of the interplay between supra-national, national, regional and local legislations will illustrate the various understandings of common land. Moving through time and layers of legislation, the paper will account for the contemporary multifunctionality of Cortina's common and explore the relationship between environmental protection measures, property rights and sustainable management as displayed on Cortina's land. The sustainability of the *Regole* has been produced by precise governmental policies but also by local perceptions of the environment, which I have explored through primary qualitative research in the form of semi-structured interviews with different stakeholders.

Keywords: *Common land environmental management, Cortina d'Ampezzo (Italy), property rights, custom, governance.*

1. Introduction

The term 'civil uses' is widely employed in political and juridical Italian circles to refer to the rights of common held by the residents of a municipality over the resources of common land situated within that area. However, this definition is imprecise because it conflates three distinct property rights regimes within the typology of civil uses, which reflects the unique historical proprietary situation of Southern Italy. Exploring the causes and consequences of this terminological fallacy is a means of introducing the modern history of Italian commons. The popularity gained by the term 'civil uses' is in fact a consequence of the 1766/1927 law on the 'Reordering of Civil Uses', the sole and most recent national legislation on common land enacted in contemporary Italy. Behind the 1766/1927 law lies a levelling philosophy, part and parcel of a precise political-economic agricultural plan of the legislator. Nevertheless, it has been possible to maintain a certain degree of heterogeneity due to the regional decentralisation of the 1970s. This is why it is not possible to speak about Italian common land in the singular.

Consequently the last section of the paper concentrates on a particular case study, that of Cortina's collective property showing its multifunctional character.

2. Diachronic profile of Italian Commons

The term 'civil uses' originated in the Kingdom of Naples, where it was employed to denote the exercise of collective rights on state and formal manorial lands. The ancient Southern Italian commons most resembled the modern English and Welsh common land because rights of common were rights held by a third party to benefit from particular *utilitates* of the land owned by a private manorial lord. Hence, alongside the rights of the manorial lord existed the rights of the community, which consisted in rights to grazing land, to wood and mushroom collection and to land for crop cultivation. Although the privatizing choice of the French bourgeois revolution had a direct impact on the Italian Civil code, the rulers of Naples wished to safeguard their legal and cultural tradition. Therefore, once the manorial system came to an end with the 2/08/1806 law, the rulers of Naples established that, within each of the former manors, a part of land had to be reserved for the community (1/09/1806, 08/06/1807, 3/12/1808 and 10/03/1810 laws). The official recognition came with the feudal commission instituted by Murat (with d.r. 11/11/1807), which theorized that certain lands attributed to the municipalities (former *universitas*) would become civil uses, i.e. rights of a dominical nature because representative of the lordship of the community. The model of state property, which was not acquirable by prescription and was governed by the principle of inalienability, was extended to the commons. Through the Neapolitan experience, the civil uses were re-categorised within the parameters of public law and the rights of common acquired a public nature. As Cervati (1986) argues, the emphasis on the use of the resource in the term 'civil uses' had its justifications: on the one hand, it showed how the exercise of collective rights manifested itself through the utilization of resources; on the other, the use was in itself the proof of the right. Nevertheless, this terminology has the problem of confusing the existence of a right with its exercise and, when imported to all Italian regions by the 1927 legislator, of disrespecting the other traditions of common property of Central and Northern Italy. Indeed, in the late medieval period, municipal states in the Centre and North of Italy were formed and their proprietary regime differed from that of the South of Italy. A coexistence of various forms of normative powers existed, shaping the collective properties of Italian municipal states: sovereign power, municipal statutes and *consuetudo* (custom).

Despite the heterogeneity of municipal states, their common feature was the fragmented and specific nature of the sovereign power. While the state of 1800-1900 acquired a strong disciplinary position in the juridical sphere, the states of the Ancient Regime interfered in a particularistic and discontinuous manner. The main reason behind the lacunose intervention of the state was the existence of an ample array of self-governing corporations and organizations (municipal and rural systems, religious communities, professional and crafting corporations, manorial guilds) embedded within the solid framework of Roman and canon laws. In particular, the building blocks of

the *ius civile* were guarded by the Romanistic doctrine and were understood as autonomous orders, rendering unnecessary the sovereign's sanctions (Grossi 1977). In fact, also the direct legislative promulgations of the sovereign power that aimed at limiting the autonomy of the communities had a particularistic character, disciplining only certain aspects and prohibiting only those community practices conflicting with the sovereign interests, but not repealing *in toto* pre-existent byelaws.

Therefore, to reconstruct the complete juridical discipline of collective properties in Central and Northern Italy, it is necessary to look at the specific byelaws of municipal statutes as well as at the information contained in the land registers, contracts, notarial acts, agreements with other communities and written opinions of jurists. *Prima facie*, given the meticulous and multiple norms presented, the municipal statutes could be considered as the principal means to gain insights into the local governance of common property. However, the municipal statutes do not offer to the researcher of the common a complete and clear description of the collective rights or of the rules governing collective properties because they solely tended to fix their limits. The majority of byelaws concerned the importance of private property, the functional limits for the conservation of the community's resources and the prohibitive measures to be applied to foreigners. Such emphasis on the prohibitive measures is to be understood within the attempt of the municipal statutes to legitimise the form of private property, rendering it acceptable to the collective conscience. In other words, it was not the lack of collective property but its widespread existence and acceptance in customary tradition that made its limitations the focus of statutes. As with the English historical common land, the rights and duties existing over collective properties in Italy were embedded in the customary traditions, so well rooted in agrarian practices to the point of rendering pointless their inscription in statutes. Although around 1500 a growing voluntaristic tradition conferred on the sovereign the power to repeal local byelaws and customs, the role of customs did not fade away. For example, the proliferation in Tuscany of the institutions of the *villae* and *universitas*, endowed with their own administrative structures and with collective properties, witnesses the continuous presence of a customary legal arena (Dani 2005).

However, during the last decade of the 19th century, the common lands of central Italy began to be ignored and nullified by legislation with an abolishing character, which reduced the complexities of collective properties by assigning them to the public body, thereby transforming many collective properties into state goods. This abolishing legislation was not implemented in the Northern regions of Italy due to the decision of the Court of Cassation, which established that the communal goods belonged to the residents of the municipality and not to the municipality itself; hence they could not be treated as public goods (Cerulli Irelli 1986: 188). Therefore, at the end of the 19th century, the most prominent difference compared with the commons of Southern and Central Italy, was that in Northern Italy the residents of a municipality, not only held rights of commons, but was often the owner of communal land. Because this situation remains alive to the present day, especially in certain areas of the Northern Alps, the collective organizations

for the management of the commons are not disciplined by public law but by private law at the subjective level, following the 97/1994 mountain law.

This brief historical overview explains why the term collective properties should be preferred over civil uses to describe northern Italian CPRs. Nevertheless, also the concept of collective properties does not embody an individual reality (Tomasella 2000; Germano' 2002). In fact, the different kinds of anthropological boundaries, which define the community of residents, divide collective properties into open and closed types:

-open collective properties: all the residents of a municipality benefit by the use of common land's resources within that municipality. The rights of common are held also by people who are not indigenous to the area but have acquired the status of residents. Examples are the agrarian *universitas* of Lazio, the *consorterie* of Val d'Aosta and the *partecipanze* of Emilia.

-closed collective properties: agnatic relationships are a prerequisite to have rights of common. This type is historically rooted in the Northern part of Italy and the case study of the *Regole* of Cortina constitutes one of the most successful examples. Clearly then, in contrast to England and Wales where common rights are for the majority praedial¹, in Italy the rights are tied to the kinship or residential status of designated persons.

The other reason lying behind the preference of the expression "collective properties" over "civil uses" brings the discussion back to the 1766/1927 law. In fact, under the 1766/1927 law, civil uses on private property (defined by the law *jura in re aliena*) are subject to clearance/cessation (*liquidazione*), in order for this land to acquire the normal status of private property (allodium). As mentioned earlier, the 1927 law was underpinned by a precise ideological and political premise: the bias toward a unitary conception of property assigning supremacy to private property in which collective rights should have been resolved (Cervati 1986; Branca and Perone-Pacifico 2003). The 1927 law blatantly expresses the dialectics between CPRs and agrarian capitalist development, typical of the spirit of the time. Mussolini's decision to face up to international economic sanctions through increased protectionist economic policies and particularly wheat self-sufficiency led to an emphasis on farming and intensive cultivation, equated by the fascist agrarian policy with economic modernization and development (De Lucia 1999). That policy had a clear impact on the destiny of community-owned properties (defined by the 1927 law *jura in re propria*). In fact, the *jura in re propria* were divided into two categories: under category (a) fell the lands suitable for pasture and forest use, under category (b) those suitable for cultivation. While the lands under category (b) were destined to privatization through a subdivision in quotas (*quotizzazione*), directly responding to the political economic need of creating a class of small farmers; the lands under category (a) were for the majority assigned to the public body and subject to the regime of the 1923 forest law, permitting the use of the forest exclusively in conformity with the prescribed

¹ In England and Wales personal rights also exist and they are called rights in gross. However, they are less widespread than common rights attached to the land.

economic plan (art. 130, r.d.l. 3267/1923) and never beyond the limits of the 'essential'² needs of the resource users (art. 12.1 1766/1927).

The fascist centralizing philosophy was also reflected in the distribution of the common land's administrative functions to organs subject to the national government, i.e. Ministry of National Economy, municipalities and 'clearing regional commissioners', the last being an ambiguous figure, half judge and half staff of the Ministry of the National Economy. The majority of lands falling under category (a) were assigned to the municipality, which was to act as the representative of the community. The attribution to the municipality of an institutional representational role demonstrates the fascist attempt to revalue the public body of the municipality. From the governance point of view, the law gave no guidance to the municipalities on how to manage the commons. It only required a preliminary assessment of the use of the commons. Besides, whenever no application to register common land by right-holders was presented within six months, the civil uses were extinguished as no longer in use. This gave rise to a series of takeovers by better informed groups, exploiting the lack of information of the most deprived rural populations (Forni 1998: 116). This situation was supposed to change with the enactment of the 616/1977 law, which transferred the competence for the administration of the civil uses from the Ministry of Agriculture and Forestry to the Regions³, thus separating the administrative functions, delegated to the Regions, from the judicial ones, left in the hands of the commissioners. Each region had to issue a regional law for its functioning based on the local system of operation and priorities. However, because of the non-existence of a national policy framework, certain Regions have since then dedicated only an intermittent attention to the subject of civil uses. In contrast, the conservatory bias of the commissioners operating in Northern Italy has served to avoid public housing speculation especially on the mountainous areas of the territory, whose effect has been the preservation of environmentally sustainable collective property systems (Marinelli 2000). As the case study on d'Ampezzo *Regole* in fact will show, it has been possible to preserve eco-sustainable systems in the Northern Alps. This situation contrasts with the widespread legitimisation of collective property in the form of public housing speculation occurring in other parts of Italy⁴.

² Under the 1927 law, access rights were classified as either 'essential' or 'useful'. The former were defined as those rights used for grazing, obtaining firewood, watering animals and for subsistence purposes, the latter were intended to be used for market production. However, it proved difficult to establish a clear dividing line between pure essential and useful rights, subsistence and market. (Forni 1998: 115).

³ Regions are autonomous territorial bodies with their own statutes, powers and functions following the principles set in art. 114, (II) of the Italian Constitution.

⁴ The principle of legitimisation expressed under articles 9 and 10 of the 1927 law consisted, in fact, in the possibility for illegal occupiers to legitimate their position through a complex administrative deed of indemnity that transformed in allodium the commons. The legitimisation concerned and concerns only those lands falling under category(b): the occupier sine titulo becomes the owner if he/she has occupied the land for ten years and has made substantial development works. The other exception authorized by the 1927 law concerned the lands under category (a) and consisted in the possibility for their change of destination, provided that the change served the public interest. The application of the 'change of destination' clause has transformed much of the common land in experimental fields to universities and nurseries. Unfortunately in practice, the regions' corruption has turned these exceptions into normal procedures of systematization of collective properties,

Historical Introduction to the Cortina case study

The Cortina case of collective property shows the importance of the radicalization of political and social capital as the local level, but it is also an example of the embedded autonomy of the community, where historical powers and customary management systems have been harmonized with the market and political forces at various levels. Cortina d'Ampezzo is one of the 69 municipalities of Belluno's province in the Veneto Region. The total area is of 16.919 hectares, of which 11.407 hectares are wood, 33 pastures, 3.988 Alps and 1.482 unproductive land (Lacedelli 2005). The *Regole*⁵ originated with the first inhabitants of the valleys, probably some Celtic tribes, who would use the pasturelands in common (De Zanna 1975: 433). Following the Lombard invasion (578-774 AD), the fundamental concept of family property was introduced and it has remained alive in contemporary Cortina. Because the Lombards were nomads, theirs was not a territorial state but a personal one defined in terms of lineage. The Germanic people conceptualized common property as a communion of co-heirs, who descended from the first common rights holders. The lands granted by the state to the family had to remain undivided and could not be sold to strangers.

In 1077 the ecclesiastical principality of Aquileia was created and included the county of Cadore with Ampezzo, controlled by noble families. However, the autonomy of the ten rural communities was so well consolidated that the Da Camino earls (ruling from 1136 to 1335) could not introduce a rigid feudal system and in 1235 had to enact the first Statutes, which sanctioned various local customs and officially recognized the *Regole* and their charters-called *Laudi*.

The embedded autonomy of the Regole⁶

The collective properties of the Alpine areas of northern Italy have benefitted from the regional decentralisation and from the 97/1994 'mountain law', which considers the organic unity of the mountain in its inter-sectorial aspects. By valorising the characteristic elements of the mountains in their capability to propose a model of civil, social, economic and environmental development, the 1994 law also challenges past policies and politics, which focussed on supporting interventions directed at homologating the socio-economic parameters of the 'marginal mountain' with those of the cities and valleys (De Martin 1995:4-5). Specifically, article 3 is dedicated to mountain organisations for the management of agro-sylvan-pastoral goods. Article 3 considers the mountain's collective properties as matrixes of community cohesion and protection of the environment. In regards to the commons judicial physiognomy the 97/1994 law chooses the juridical personality of private law

leading to the disappearance of enormous tracts of coastal collective properties (Fulciniti 2000).

⁵ This is how the institution of collective property is known in Cortina.

⁶ The following information has been gathered through primary qualitative research in the form of semi-structured interviews with the principal stakeholders.

[art. 3, para 1(a)], which exalts the normative and managerial autonomy of these institutions and which reflects the close structure of such collective properties as historically determined. Besides, the law is preoccupied with guaranteeing the participation in the management of the commons of all representatives freely chosen from the original families established on the territory [art.3, para1(b2)]. At the same time, by drawing a unitary legislative framework, the 97/1994 law facilitates the regional legislators in regulating and coordinating organic interventions entering into a dialogue with coherent community byelaws. Thus, the para-state character of collective property is also emphasised by providing that the regional legislators will coordinate the works between the various municipalities and mountain communities and by subordinating the mutation of destination of collective properties to specific authorization by the region [art 3 para 1(b1, b2)]. This balancing act is a fundamental achievement in the context of Italian legislation, where a *tertium genus* existing in-between public and private subjects is absent. Besides, by assigning statutory autonomy to the communities and by validating the indivisible and non-disposable characteristics of collective properties, which helps to enlarge the temporal perspective and foster solidarity, and by defining them in terms of their destination of use (i.e. agro-sylvan-pastoral activities), the 97/1994 law recognizes the intrinsic sustainability of this type of resource management (Vitucci 2006: 25-26). This legislative framework needs to be taken into consideration when assessing the success of the *Regole*. In fact, if on the one hand, the sustainability of the d'Ampezzo regulation charters shows that this collective form of organization is primarily a historical rooted expression of a unique understanding of human/environment relationship, on the other it is also a product of an enabling political and legislative milieu. This observation is important also to escape discursive idealisations of community-based management, which tend to represent the community as a bounded autonomous whole.

Socio-Legal Organisation

The *Laudi* remain fundamental juridical sources to examine the ordering of common lands and the system of property rights. If initially there existed only two *Laudi* representative of the high (or mountain) *Regole*, with the demographic increase and the intensification of breeding practices new associations of *Regolieri* were formed. Today there are 11 *Laudi* representative of the 11 *Regole* and these are complemented by a unifying *Laudo* of the Community.

Although each *Laudo*⁷ has its own physiognomy and singularity, it is possible to summarise the general provisions for the governance of the *Regole*. Each spring, at the beginning of the *Regola*'s year, all the *Regolieri* elect the new representatives. Full executive powers are assigned to the *Marigo* (the head), assisted by the *saltari* (guards), *laudatori* (advisers) as well as by the *cuietro* (cashier). Shepherds are in charge of the herd. Although the same shepherds can exercise their role for more than one year, the *Marigo* and the *laudatori* change every year. This system of annual rotations of offices allows

⁷ *Laudo* is the singular of *Laudi*.

for a democratic participation of the majority of the *Regolieri* to the management of the commons by holding in turn the executive power, without the risk of power verticalisation.

As reported in the *Laudo* of the Community, the main organs of the community of *Regolieri* are the General Assembly, the Assembly of Deputies, the President, the Executive Committee, the College of the Mayors and the Judging Commission. To the General Assembly (composed by all *Regolieri*) are assigned legislative powers, to the Assembly of Deputies (composed by the 11 *Marighi* and by 11 *Regolieri* elected by the General Assembly) administrative powers such as updating the common register and proposing modifications to the *Laudi*. The President, elected by the General Assembly, is the representative of the Community of the *Regole* in each juridical seat and he, together with six deputies, form the Executive Committee. The College of Majors, composed of three permanent and two temporary majors elected by the General Assembly, has monitoring powers and controls the budget administration. Finally the Judging Commission is in charge of settling disputes arising between the Community and the single *Regole* or between *Regolieri* and it is composed of *Regolieri* nominated by the two parties.

Rights of Common

As it was traditionally, today the status of *Regoliere* is expressed chiefly in a kinship idiom, viz. it is hereditary, and hence the close characteristic of collective property is maintained. The principal common rights are grazing rights and rights to cut wood. The amount of wood each *Regoliere* is entitled to exercise is sanctioned by the *Laudi*, following customary practices. Instead, the type and number of animals to be grazed are decided annually by the Community of the *Regole* in view of the current carrying capacity of the land. This flexibility in relations to numbers is fundamental in order to maintain the commons in an environmentally favourable condition. The transfer of rights of common is prohibited by the local Statutes, although it is allowed to rent pastures to external graziers. This provision seems to contrast the situation of England and Wales where with the new Commons Act 2006, rights appurtenant to the farm should not be subject to transfer. Nevertheless, the rent of pastures in Cortina is a modern requirement reflecting the necessity to continue grazing the commons in the face of local inactivity. The majority of *Regolieri* has, in fact, ceased to exercise common rights of pasture due to the low profitability of grazing following the Common Agricultural Policy reforms and especially the boom of tourism in the area, which has engaged the majority of the *Regolieri* in the tourist industry. Although the renting of pasture to external members could lead to the *Regolieri*'s loss of bond with their lands, according to the *Regolieri* which I have interviewed, this is not a potential threat. In fact, they maintain the full control over their pastures by employing shepherds who look after the stock, impeding external graziers to graze themselves on the *Regole*'s property. For the few *Regolieri* who continue grazing, the European Union subsidies (such as Less-Favoured Areas and agro-environmental schemes) are perceived as necessary for the financial viability of their grazing activity but also are interpreted by the older *Regolieri* as educative tools, enabling the consciousness of the younger generation in relation to the environment and traditional practices to be raised.

Environmental Designations

Part of the collective property of the *Regole* lies within environmentally sensitive areas designated at regional and supra-national levels, namely a regional Park and Sites of Community Importance (SCIs). The interests of environmental bodies have been well amalgamated with the customary interests of the *Regole*. This integration has been possible because environmental governmental agencies have recognized the historical sustainability of the *Regole* system. In fact, the sustainability of the *Regole*'s management has been recognized by the Region by assigning to the *Regole* the management of the Regional Park of the *Ampezzo Dolomites* since 1990. The Community of the *Regole* has in fact been capable of extolling the positive environmental effects of its collective property management system through the institution of the Park. The immense richness in biodiversity of this area (the Park coincides with the SCI IT3230071 of Natura 2000) has been maintained through the activities of the *Regole*, able to dynamically conserve the environment, marrying the exploitation with the protection of the natural resources. The Regional Park was set up by the regional law 21/1990, which has entrusted the *Regole* d'Ampezzo with the direct and autonomous management of the Park. This constitutes a fundamental proof of the sustainability of the *Regole* and also an exceptional innovation for the history of Park management in Italy, which has seen the Parks always managed by state/public bodies. The constitution of the Park has not cancelled the traditional activities that the *Regolieri* can exercise on their collective properties since the Environmental Plan of the Park, edited by the *Regole* and approved by the Region, favours those agricultural activities compatible with the environmental characteristics of the area. It is then possible to exercise rights of pasture and common rights to cut wood in the Park, with the exception of certain zones listed in the Environmental Plan of the Park. According to the *Regolieri* as well as the Park Director, the Park management is conducted in a similar way to that of the *Regole*'s collective properties outside the Park's boundaries, the only difference being that hunting is banned within the Park.

The enabling political environment has not been the only factor permitting the *Regole* to exercise an active environmental management. The other central cause is that the *Regolieri* themselves have not been the passive recipients of environmental regulations but have attempted to cover an active role in the environmental management of protected areas. In fact, following the Veneto implementation of Natura 2000, SCIs have been designated comprising part of the collective property of the *Regole*. Although the *Regolieri* that I have interviewed have lamented the exogenous imposition of the European environmental regulations and their lack of participation in the individuation of the SCIs, the stringent protection measures have not been perceived as problematic but strategically seen as an opportunity to obtain specific funding from the Region for activities of environmental research and conservation within the SCIs. Most importantly, the *Regole*, instead of accepting the exogenous determination of these regulations, are willing to take an active role by attempting to obtain the autonomous management of the SCIs.

Conclusion: the sustainability of the *Regole*'s collective property.

Although the tourist boom has led to a decrease in the exercise of rights of common from the past and a neglect of agricultural activities, according to the *Regolieri* as well as to governmental and non-governmental environmental organisations, the status of the common remains in an environmentally favourable condition, owing to the management practices described by the *Laudi* and currently employed. The term sustainability was recurrent in the stakeholders' descriptions of the environmental governance of the common. The ways in which sustainability was defined by the *Regolieri* differed, but it is possible to uncover a common conceptual and ethical root. In fact, the *Regolieri* perceive the environment as incorporating both human and non-human elements. According to all the informants, the *Regolieri*'s environmental management is sustainable because it is capable of perpetuating the environmental richness on a temporal scale. If, on the one hand, this evokes the concept of stewardship to describe sustainability; on the other it goes beyond an anthropocentric conceptualisation of the environment, by perceiving human and non-human as interrelated and mutually dependent entities, instead of seeing humans merely as custodians and, as such, in a hierarchically higher position in relation to non-human entities. In fact, all the *Regolieri* interviewed pointed out the indissoluble bond between themselves and their natural resources. It is interesting to note that this perception also reflects the relationship between society and nature as stated under article 10 of the first part of the Community *Laudo*, which constitutes the basis for all the management practices contained in the local statute. Article 10 states that the principal relationship is the one instituted between the *Regolieri* and the natural resources and that this is based on the principles of solidarity and trust. Every *Regoliere* has the duty to co-operate in the conservation, enhancement and development of the common property resources. Such perception of the environment, as indissolubly linked to the society of the *Regolieri*, dictates the norms of common resource management.

Therefore, the successful multifunctionality of the *Regole* has to be attributed to both local/cultural and exogenous factors. As described above, the *Regole*'s sustainability is a consequence of a particular cultural perception of the environment rooted in customary practices, sanctioned by the *Laudi* and performed by local institutions such as the General Assembly. On the other hand, the sustainability of the *Regole* can be understood by reference to the wider enabling political and legislative environment. If the national legislation of civil uses is flawed in many respects by attempting to homogenize the plurality of common property realities existing in Italy, since the 1970s the regional decentralisation in the management of the commons has proven beneficial for Cortina's collective property. In fact, the Veneto region has recognized the uniqueness of the *Regole*'s system, entrusting it with adequate autonomy in the environmental governance of its common lands.

Bibliography

Branca, G. and Perone-Pacifico, C. 2003. *Le Terre Collettive del Lazio: un'analisi del possibile ruolo delle proprietà collettive nelle politiche per lo sviluppo rurale regionale*. Viterbo: Università della Tuscia.

Cerulli Irelli, V. 1986. 'Organismi di Gestione di Proprietà Comunitarie nella Realtà Italiana: Profili Pubblicitici' in De Martin, G.C.(ed) 1990. *Comunità di Villaggio e Proprietà Collettive in Italia e in Europa*. Padova: CEDAM. Pp. 185:194.

Cervati, G. 1986. 'Profili Storico-Giuridici dei Demani Collettivi e degli Usi Civici'. *Nuovo Diritto Agrario* 3(4): 301-311.

Dani, A. 2005. 'Pluralismo Giuridico e Ricostruzione Storica dei Diritti Collettivi'. *Archivio Scialoja-Bolla: Annali di Studio sulla Proprietà Collettiva*. 1: 61-84.

De Lucia, L. 1999. 'Usi Civici'. *Digesto delle Discipline Pubblicistiche* 15.

De Martin, G.C. 1995. 'Finalità della Legge' in Costato, L.(ed). *La nuova legge per le zone montane: Commentario alla legge 31 gennaio 1994, n. 97*. Milano: Giuffrè. Pp. 3-20.

De Zanna, I. 1975. 'Regole d'Ampezzo' in Romagnoli, E. and Trebeschi, C. (eds). *Comunioni familiari montane: testi legislativi, sentenze, studi e bibliografia*. Brescia: Paideia. Pp. 433-450.

Forni, N. 1998. *Herders, Common Property and the State in the Abruzzi Highlands of Italy*. Brighton, University of Sussex: Unpublished PhD thesis.

Fulciniti, L. 2000. *I beni di uso civico*. Padova; CEDAM.

Germano', A. 2002. 'I domini collettivi tra interessi locali e interessi generali' in Nervi, P. (ed). *Domini Collettivi e nuovi protagonismi per la promozione dello sviluppo rurale*. Padova: CEDAM. Pp. 45-63.

Grossi, P. 1977. *Un altro modo di possedere : l'emersione di forme alternative di proprietà alla coscienza giuridica postunitaria*. Milano: Giuffrè.

Lacedelli, P. C. 2005. *Politiche Territoriali e Ambientali per Contrastare l'Avanzamento del Bosco: Caso Studio del Comune di Cortina d'Ampezzo*. Venezia; CIPRA.

Marinelli, F. 2000. *Gli Usi Civici: Aspetti e Problemi delle proprietà collettive*. Napoli: Jovene.

Tomasella, E. 2000. 'Espropriabilità' dei beni civici' in Nervi, P. (ed). *Domini Collettivi e Autonomia*. Padova: CEDAM. Pp. 123-136.

Vitucci, P. 2006. 'Proprietà' Collettiva: la sua specificità" in *Consulta Nazionale della proprietà collettiva, atti dell'assemblea costitutiva*. Roma, 7 March 2006. Senato della Repubblica. Pp. 25-27.