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Title:

Enduring civic use rights as cultural heritage commons

Abstract :

Introduction

The Institutional Analysis and Development (IAD) framework provides a conceptual map for understanding how institutions, including public policies, are designed, how people interact in creating and developing policies, and how policy analysts can evaluate these policies. At the time of its creation, much of the policy literature was relatively devoid of institutional considerations or did not explicitly recognize the institutional foundations of public policies.

Civic use is an ancient institution in Italian land governance, from which derive exercisable use rights regardless of its property regime. Such land in Italy is accessed by local inhabitants entitled with civic use rights, to produce subsistence goods. It is managed under a common property regime, shaped over the history since the defeat of feudalism.

In this paper the land encumbered with civic use right will be explored according to the tenure system determined by the legal pluralism that determines limitations to transformations for productive purposes hindering the overall sustainability of the land and diminishing the positive meaning of the institution of civic use rights.

The latter is also explored as possible resource unit and intangible cultural heritage commons. Since ever, civic use is not usucaptible, not prescriptible, it cannot circulate except by special authorization, it is subject to a permanent destination constraint (State Law 1766/1927). Lately, the environmental and landscape protection were embedded in the civic use rights (Law 168/2017).

Furthermore, it is often the case, that natural protection according to EU rules also applies over the same land. Although civic use is exerted through agro-silvo-pastoral activities, the environmental legislation may conflict with subsistence production. Thus, conflict arose between two needs: primary goods production (tangible excludable resource units) and non-for-direct use goods such as landscape protection and nature (biodiversity) conservation

Problem statement

We observe the persistence of land abandonment in hilly and mountain areas of Lazio Region. Although the enduring of civic use rights which are meant to ensure the resident community survival, the coexistence of multiple layers of land tenures may have contributed to uncertainty over land access and its sustainable use for livelihood subsistence. We investigate how multiple

rules in use for different actors, creates rooms for patterns of interactions which are limiting the development of vital rural areas.

Objectives

The objective of this paper is to understand the roles of actors and regulations in the persistence of land abandonment. Another objective is to lay the groundwork for forecasting the possible effects of implementing UNESCO's intangible cultural heritage safeguards on a land tenure system, specifically the civic use rights system.