

## **Work package 1**

# **The Relevance of the Landscape Issue in Territorial Development Policies**

## **National Report Italy**

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## 1. Introductory remarks

### 1.1 *The evolution of Italian public administration 1970-2000*

Italy has experienced important changes in the structure of the administrative framework, with substantial consequences on the allocation of competences concerning sectoral policies.

Until 1970, Italy was a strongly centralized state, with most of the government activity operated by central administration and its peripheral offices. Municipalities, in turn, were responsible for regulating soil use and administering local public services.

After the creation of Regions in the 70s, a first bulk of responsibilities was transferred to them (including agriculture, health, water resources, flood protection, territorial planning); while many “new” policies were directly allocated to them (environmental policy, landscape protection, nature conservation).

This devolution of competences however has been not complete, with many grey zones and overlapping competences between central and regional government.

During the 90s, a renovated impulse was given to further devolution of competences. The so called “Bassanini” laws (from the name of the spokesman) started a radical decentralization process, later on culminated in the new constitutional law of 2000.

After this radical reshaping of the Public Administration structure, central state maintains the control over general framework legislation, while Regions are fully responsible for enacting it with special regional legislation. Regions have also acquired full competences on a number of sectoral policies, many of which are directly relevant for the RD/CL issue.

This new structure, however, needs time in order to consolidate. In the transition phase, most policies continue to be dominated by central institutions or by national laws; during time Regions are developing their capabilities and producing their own legislation. In some matters (eg. environmental regulation, minimum flows in rivers) Regions in the past have anticipated and sometimes inspired later national interventions.

In the present contribution we continue to refer to national framework laws where existing (e.g. with respect to water resources policies, nature conservation, forestry), with the caveat that this national framework can be and in some Regions already is being modified by the direct acquisition of full competences.

Table 2 describes the most important layers of Italian public administration. Many intermediate layers can nonetheless be individuated (associations of municipalities, syndicates, consortia etc) having more or less legal status, being more or less subject to public law, involving private subjects in various ways. Single-mission agencies, publicly-owned companies (having public or private legal status), mixed public-private joint ventures, publicly-regulated private foundations and many other subjects of this kind complete the scene.

Italy is divided into 20 Regions and nearly 100 Districts (“Province”). The number of municipalities is around 8,000. Concerning the Alpine chain alone, we have:

- 6 Regions (Liguria, Piemonte, Valle d’Aosta, Lombardia, Veneto, Friuli-Venezia Giulia) + 2 autonomous Provinces having the same statutory powers as Regions (Trento and Bolzano)



- 25 Province
- 1,700 municipalities

The Italian public administration also involves a number of intermediate entities, that can be either created by legislation, or are left free to the autonomous cooperation of the other authorities.

In the first category we can consider first of all the “Mountain Communities” (Comunità Montane), whose size and territorial extension is normally regulated by each Region. Their core competences involve planning powers concerning local economic development; in many cases municipalities – usually very small in mountain regions – have found it useful to delegate mountain communities some of their responsibilities especially concerning the organisation and operation of local public services.

Sectoral legislation also requires or justifies the creation of inter-municipal boards (consorzi intercomunali) for many purposes. Inter-municipal associations are sometimes compulsory, sometimes voluntary.

Finally, a wide number of semi-public institutions, publicly-owned enterprises, mixed public-private initiatives, sometimes with legally-defined duties and powers, complete the scene.

## **1.2 Legislation and policies**

The approach chosen for WP1 – namely, to describe the general structure of the most important policies that are likely to have an impact on cultural landscape and regional development through the analysis of national legislation – originates some problems for the understanding of the Italian system, for two reasons.

The first reason is the difficulty to identify the pieces of legislation that are representative for any single policy.

The Italian legislation is characterized by a high degree of fragmentation; new laws often are introduced and change radically some aspects of the existing framework, yet never abolish it completely. It is quite complicated therefore to sketch out the structure of a given policy by just referring to legislation.

Moreover, it would be quite complicated to reconstruct the national approach to any given policy by simply referring to the wording used in this or that piece of legislation, particularly if we wish to use a synoptic table that is able to draw back the most important features.

The second reason is the great deal of abstractness that is usually characterizing national laws. Aims and objectives are set up with a great generality, while leaving the competent agencies and authorities a relatively great discretion.

There is an evident difference, with this respect, between legislation aimed at prohibiting / regulating private actions, on one hand; and legislation regarding positive initiatives and actions under the responsibility of the public administration. Legislation is quite often very detailed and punctual in bounding and curbing administrative discretion in the former case (eg measures regulating urban development, spatial transformation, natural resources use); in the latter, it is more frequent that the highest discretion is left, for example by listing a great number of potential objectives but avoiding to dedicate specific measures, actions and instruments to any of them.



One should refer thus to implementation plans (eg energy plans, agricultural plans, basin plans, landscape plans etc), mostly under the competence of Regions (or at least under the mixed control of State and Regions) whose detailed analysis would require a much more careful and complex analysis than the resources allocated to WP1 could allow.

Only in recent times, and with particular reference to some sectoral policies (eg mountain development, nature conservation) general framework laws exhibit a lower vagueness in the explicit aims and policy instruments.

The third reason is the great distance that the Italian system shows between legislative aims and their proper implementation. The gap between policy and implementation is definitely not a peculiarity of Italy, as the long developed literature on public planning shows; yet in Italy this is particularly true, partly because of the vagueness of legislatively-set targets we discussed above, partially because of the great fragmentation of competent agencies and bodies.

The weakness of the Italian public administration face to private interests is typically reflected by the weakness of controls over private actions. Therefore, even if in some cases national legislation is often harsh and to many respects similar to other EU countries, its real application is far less straightforward. Very hard punishments (eg many kinds of “pollution”, that other countries sanction with fines and administrative measures are considered criminal offences in Italy) are thus accompanied by a very low probability to incur into them.

In order to cope with all of these difficulties, we have adopted the choice of avoiding to refer to legislation in a literal and slavish manner; rather, we have tried to describe policies by resuming the most important elements contained in the legislation, and by referring to interpretative literature rather than to the “raw” pieces of legislation.

The risk of arbitrariness in this synthesis effort has been evaluated positively against the risk of wordiness and irrelevance that would highly affect the “standard” WP1 model.

### ***1.3 Some horizontal issues in Italian public policy***

Before going into a detailed analysis of the most relevant policies affecting landscape, some general and “horizontal” remarks can be helpful in order to better understand the Italian system. All of the considerations we are going to make reinforce the doubts with respect of the meaningfulness of a “formal” analysis of national policies, based on legislation and normative acts.

The first issue regards policy instruments and their relative importance. If we classify them according to the theory of public policy analysis, we can distinguish the two broad categories of “regulatory” and “proactive” instruments: the former having to do with the constraints to private initiative (when in conflict with publicly relevant goals), while the latter have to do with incentivating, promoting and directing “positive” efforts aimed at reaching given policy targets, with or without the collaboration between public and private actors.

The Italian system exhibits own specificities in both sides.

Regulatory policies – whose instruments are quite typically regulations, ties, limits, standards, command-and-control planning, requirements for public authorization in a number of fields etc – are very commonly foreseen in most of the legislation concerning landscape and the environment. Their use is nonetheless far less discretionary than in other countries. The margin for autonomous decision of the public officers is usually quite small; in the few



cases in which this is not true, the administrative margins of freedom are constrained by other elements (small size of manpower and budget; possibility for other authorities to reverse decisions etc.)

On the other hand, “proactive” policies – and above all public spending for subsidies – generally entails the highest discretion: public administrators in this case are rarely constrained by precise guidelines and targets; rather, targets are usually very broad and list almost every possibility, while the “true” political choice is made by budget allocation and by the discretionary use of budgets.

The second issue concerns the institutional actors of public policies vs. their logical and geographical scope. As we have seen, the Italian administrative system entails 4 main levels (plus a number of intermediate ones), whose involvement varies a lot in different policy areas, although a cooperative effort among them is usually required. In many cases, sectoral policies define geographical criteria for articulating public action (eg the “river basin”) that do not coincide with administrative units, thus requiring that all different layers interact in the creation of appropriate decisionmaking frameworks.

The law sometimes sets up criteria, yet in general much is left to bottom-up coordination and local initiative. In fact, inter-institutional cooperation is achieved with great difficulties and most of the administrative efforts are dedicated to “institutional” activities rather than to the effective delivery of policy outcomes. The instability of the political system is another reason that explains the difficulty, since it happens very often that different political majorities rule in the same area at the different territorial levels, what usually is a cause of poor willingness to cooperate.

A third general remark regards policy styles. Although public participation is often foreseen, at least in terms of consultation (eg in the legislation regarding environmental impact assessment), the Italian system is by tradition and largely remains dominated by the “*étatiste*” culture of rigid top-down policymaking, with little formal space for stakeholders.

This is by no means a synonymous of strength of the public administration. Influencing the public decision is however much more a matter of informal and hidden pressure based on relative political strength rather than an open process.

Administrative discretion (already mentioned with respect to proactive policies) is thus clearly linked with lobbying and capacity of interest groups to capture the public decision.

A fourth general issue concerns the rather poor delivery of “real services” in terms of technical support, information, education, research from the top to the bottom, and at the same time the lack of independent institutions devoted to the same scope: at least, if compared with the standard of other European countries. The gap has been somewhat reduced in the last years (notably, after Regions acquired full competences on territorial planning); yet informative databases, applied knowledge, technical expertise are in general lagging a good deal behind, and this obviously conditions the effectiveness and efficiency of public policy action.

Much the same can be said in terms of policy evaluation: Italian public policies almost never accept to be critically assessed and very often escape performance evaluation of any kind. As a result, very undetailed and haphazard information is usually available. Many authors put this feature in relation with the “discretionary” policy model, in the sense that unclear and incomplete information bases, and related opaqueness of public decision, is substantial to



the conservation of discretionary powers and vulnerability of public decisions to the pressure of interest groups.

A fifth aspect that deserves a mention here is the typical conflict arising from “ordinary” and “extraordinary” policies. As everywhere, extraordinary events (natural disasters as well as one-shot events like the Olympic games) justify special procedures for public spending, often in an accelerated way and higher discretion for public officers in using their powers and the public money. Of course, in the name of emergencies, democracy can be easily by-passed as well as the due care that ordinary procedures devote to the consideration of all public and private interests touched by decisions.

This occurs in Italy as in other countries, but it is nonetheless striking to note the relative weight of both in the Italian system. Particularly in certain policy fields (take flood protection as an example) “extraordinary” expenditure (eg in case of a flood causing special damages) can easily be some orders of magnitude higher than “ordinary” expenditure. It is quite typical of Italian legislation (concerning environment, natural resources, regional development) to foresee very complex and articulated “ordinary” procedures that rarely come to an end, even because of the limited resources allocated; while extraordinary events, on the other hand, allow a rapid displacement of much more huge human, legal and financial resources.

In the following of this report we shall consider “ordinary” policies only, since they are suitable for the formal analysis required for WP1: however, an important research hypothesis to be verified in the later stages of the project concerns the impact of emergencies and extraordinary events, supposed here to be even higher than that of ordinary policies.

## **2. The Italian approach to landscape**

### ***2.1 - The emergence of the landscape concept in the Italian legislation***

The Italian tradition on landscape (and more generally environmental) policy has been dominated for long by a concept of landscape as “cultural heritage” and “natural beauty”, and consequently by the idea of conservation dominated on the idea of using, adapting and developing it.

The consequence of this approach is that landscape policies have traditionally been dedicated to single elements of the cultural or natural heritage – to which a “total” and omnicomprehensive protection was devoted – and “normal” elements (including territory in its general and systemic features), to which the landscape issue was generally irrelevant.

This “dualistic” approach was first established at the beginning of the century and later framed by law 1497/39. Cultural and natural heritage to be safeguarded are individuated by the administration of cultural heritage ministry (Soprintendenze), and put under a specific regulation (“vincolo”, literally “constraint”) that establishes the rigid prohibition to alter it (or to change its property regime), or defines the duties of care to be adopted etc. The “vincolo” can regard a list of goods belonging to public or private property (the list is reported in the tables below), with little discretionality and flexibility, but of course limited possibility of extending the safeguard beyond certain (quite restricted) limits.

As a result, landscape policy and nature conservation, for a very long period, exhibit a fragmentary and haphazard character, incapable of setting up any “territorial” and “systemic” approach to landscape and nature.



This “dualistic” phase is intended to be terminated by the reform contained in the 1985 law on landscape (legge 481/85 “Galasso”), whose aim is to set up a general landscape planning framework, under the responsibility of Regions, in order to conceive the landscape in a systematic manner and not anymore in terms of singular specific “natural and cultural beauties”. The law 481 extends automatically the “vincolo” to a wide category of territorial areas, among which the mountain territory as a whole (above the quote of 1.600 m), and more specifically forests, glaciers, coast of lakes, areas that are destined to natural parks.

The contents of the “vincolo” is left to the discretional planning of Regions; however, the national law sets in any case specific regulations that prevent alteration and change. Landscape plans are conceived in order to provide hierarchical guidelines to urban development plans and other territorial policies.

This law has been sharply criticised because of its rigid and irrefutable definition of what is a landscape beauty and what is not (eg. according to the law, everything existing above 1.600 m deserves protection) and because of its insistence on the idea of “beautiness” as the relevant category for orienting landscape policy.

Another aspect that is often critically underlined is the insistence on the idea of conservation, still dominating the 1985 law as well as the previous legislation. The idea of sustainable development is absent, the idea of valorisation, management and more generally whatever affects “landscape change” is considered with enormous suspicion and in any case limited by the need to follow very complex and difficult procedures.

Although Regions have the faculty to conceive landscape planning in an integrated way together with the other sectoral and development plans, the approach of the landscape plan remains a separated and not integrated one. This means that sectoral development policies, in the different fields, maintain their autonomy, their aims remain sectoral without the explicit consideration for landscape aspects; the latter however enter the sectoral policy as side constraints to be respected and exogenously determined. This separation is often made more complete since the administrative branches that are responsible for landscape planning are different from the ones concerned with sectoral development, with the consequent clash between the administrative culture and the policy targets of both.

For the purpose of the Regalp project, it is therefore particularly important to stress that the Italian understanding of landscape (“paesaggio”) is much more narrow than the idea of “cultural landscape” that has been assumed as a reference for the study. In fact, the Italian approach to landscape is wide enough to integrate the morphological and “natural” aspect with the man-made and built environment; it is not wide enough so as to encompass the concept of human beings as a component of “landscape”, in terms of social structures, economic attitudes, ways of living and using time and space. This is not to say that the latter aspect is not considered at all in the Italian public policy system, but rather that it is normally seen as a part of the concept of regional development instead then of landscape.

Traditionally, these two corners have been separated and in opposition, while landscape and environmental policies have been conceived as pure conservation and opposition to development. In more recent times, however, an attempt to integrate them and to resolve this conflict within a more balanced approach is evident. The drivers of this efforts are probably the emerging idea of sustainable development and above all the influence of the European Union, particularly with respect to the philosophy of territorial development policies, now dominated by European structural funds.



This effort is evident for example with respect to nature conservation and protected areas as well as agriculture. Nonetheless, despite the evident changes occurred in the last 15 years, the traditional opposition still remains powerful and has not been definitively overcome: if not in the formal “paper” legislation, at least in the cultural habits and in the common understanding of people and most public officers.

## **2.2 - The landscape concept: constraint or resource for regional development ?**

From the above presentation we can conclude that the traditional approach of Italian public policy to the landscape concept emerges as an external constraint that “transversally” affects all of the other fields of policy that are more generally framed as “regional development” policies.

Therefore, the most obvious way to analyse national landscape policies is to refer to the bulk of conservation-aimed instruments, either in the field of environmental policy (natural protection, parks, environmental impact assessment, environmental plans – such as basin and water resources plans – and their relative power with respect to “sectoral” policies and regional development policies. This will be done in the following of this section.

Sectoral policies normally did not contain explicit landscape objectives, even if in recent times in some cases legislation has started to mention environment sustainability and landscape conservation; nonetheless, this usually remains in the general statements and objectives, with very little practical consequences.

Although in recent years (especially during the 90s) there is an evident trend towards a deeper integration of landscape considerations into sectoral policies, the former model based on separation and opposition still dominates.

The path towards its gradual substitution with an integrated approach differ substantially between different policy fields. However, if we are in search for some regularities, we can probably affirm that the most remarkable difference regards the different balance that can be found in different policy fields between the two basic functions of landscape for regional development.

Landscape has been traditionally seen as a constraint, basing on a theoretical model in which regional development is “by definition” bringing forward negative consequences for landscape; but in fact in many cases it also represents a resource whose valorisation is a necessary part of the economic process underlying regional development.

Although the two dimensions are often contemporarily present in most policies, we can try to distinguish those in which the “resource” function is (or has become) the prevalent one, from those in which the “constraint” function is still stronger.

In the first category we can mention agriculture – especially that part of the agricultural sector that is engaged in the valorisation of local products and territorial specificities: an increasingly central sector of Italian agriculture – and tourism. In the second category we find urban development, infrastructure and transport, valorisation of natural resources such as water.

Here new legislation (during the 90s) is clearly making reference to the idea of integrated sustainable development and to the valorization and protection of landscape quality, seen as a key ingredient of economic success.



For any of these policies, an introductory analysis of the most relevant historical developments as well as their main actual features and explicit links to the landscape concept are treated here. In the final section, a matrix is also provided, showing the hierarchical structure of policy instruments and their approach to landscape objectives.

In the final section, we deal with integrated regional development policies – focusing in particular on those that are especially targeted on mountain regions. Here again we show through a brief historical sketch and a discussion of the key aspects of actual policy structure the main links with the landscape concept. Matrixes will be also provided for Regional development of mountain regions.

Here again there is an evident effort of legislation and policy documents to introduce the idea of local sustainability – a concept that includes landscape – as the guiding reference to regional development. This approach is with evidence influenced by European regional development policies (cohesion funds, structural funds, Agenda 2000); it is easy to note that the success of the policies that are directly financed from Europe (and managed by Regions) have had much larger impact and outcomes than nationally- and regionally- governed policies, even because of the much lower discretionary budgets allowed to these “national” policies.

### ***2.3 - Environmental policy: from protection to sustainable development***

The “dualistic” approach that we have recognized in landscape conservation policy has also dominated for a long time the field of environment and natural resources.

Originally conceived as pure conservative policies aimed at the preservation of singular elements of the environment of particular interest (natural parks and forestry), they have evolved into an approach dominated by command-and-control regulation focused on end-of-pipe pollution (70s – 80s) and finally have experienced an attempt to adopt the philosophy of sustainable development, while in fact continuing to be dominated by a conservative and regulatory approach.

According to the national laws on forestry approved in the first 30 years of the last century, forestry policy has the main target of protecting the soil from landsliding and avoiding floods downstream. The economic development of forests as well as other resources was thus subordinated to the goal of ecological and hydraulic system conservation. Although landscape was not a goal as such, the result of this policy has been a strong protective action against alteration of forests.

The law put a “vincolo” on forests that were existing at the time when the law was passed and those that would have developed later on. This means that the forestry areas are permanently vinculated to that purpose and no alteration of it could be made without the permission of the National Forestry Agency – whose competences were later transferred to Regions.

Concerning natural parks, again the original policy framework was a “dualistic” one, with very strong protection and limits to human activity in single areas, and very loose constraints in the rest of the territory.

The framework law on natural parks of 1991 (law n. 394), however, tries to innovate substantially by adopting – for the first time – an approach that integrates nature conservation and regional development. Protected areas are understood in their human as well as in their historical and environmental dimension; viable economic conditions for



resident population is considered as a target of protected areas with the same ranking as nature conservation. This innovative approach has permitted to start a new phase of natural conservation policies (with a significant increase of protected areas); once again, however, the culture of prohibition and distrust of local autonomy has persuaded the national legislator to introduce a-priori constraints – such as the prohibition for hunting in any protected area, regardless the policy aims that would be relevant in that particular area – has prevented from a full adoption of the philosophy of sustainable development.

#### **2.4 - Focus on Natural parks and nature conservation**

Italy has set up its Nature Conservation policy only in recent years: the first important law is dated 1991, when after more than 20 year long debate was defined the approach to nature conservation. The national law N°394 promulgated in December 1991 gives the guidelines to the policy for nature conservation, based on the institution of protected areas. It gives general directives for regional policy and defines:

- role of the Ministry for environment with a new Service for nature conservation, of coordination of regional and national parks activity, control and financing;
- classification of protected areas in three main categories: national parks, regional parks and reserves;
- definition of role, objectives and general organization of protected areas;
- institution of new national parks.

During the last years law 394/91 was implemented twice, with law 344/97 and law 426/98: both instituted new national parks. The last one introduces an important principle for the institution of national park, which says that any new park must come from a process of devise between National, Regional and Local Authorities. There is no change in the general principles and directives.

Any region has the authority of specify the national directives, defining:

- new protected areas;
- objectives;
- regional organisation.

All the Alpine Italian Regions have their own regional law on Nature Conservation in coherence with the general principles of national law.

Thanks to this new policy for nature, the protected territory has rapidly and intensively grown during the last ten years, exceeding the 10% of national territory as it was identified as an objective of law 394/91. The last Report of National Environment (2001)<sup>1</sup> gives the following view about protected areas:

- 21 National Parks;
- 110 Regional Parks;
- 16 Marine State Reserves;
- 143 Natural State Reserves;
- 252 Natural Regional Reserves;
- 128 other kinds of protected areas.

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<sup>1</sup> Ministero dell'Ambiente, *Relazione sullo Stato dell'Ambiente*, Anno 2001.



Parks in Italy<sup>2</sup>, the web site of Italian Federation of Protected Areas accounts 71 protected areas in the Alps, among which are 4 National Parks (Gran Paradiso, Val Grande, Stelvio, Dolomiti Bellunesi). They are distributed among the six Alpine Regions as it follows: Liguria (0); Piemonte (23); Valle d'Aosta (11); Lombardia (14) Veneto (3); Trentino Alto Adige (14); Friuli Venezia Giulia (8)<sup>3</sup>.

From a first analysis of national and regional policies it is possible to identify three common specific objectives of protected areas:

- nature conservation (it involves restrictions to the use of territory and actions for restoration and management of habitats);
- environmental education (it involves activities with local communities and schools on natural resources environment and sustainable development);
- local sustainable development (it involves in particular the promotion of sustainable tourism and agriculture).

Law 394 gives to protected areas the authority of territorial planning and gives the opportunity to national and regional parks to elaborate a local plan of sustainable development. Both the instruments, still rarely used by parks authorities, permit protected area to define a territorial strategy of land use and local sustainable development.

In the last few years it is emerging a new approach to nature conservation, it derives from the European guidelines identified by Directive 79/409 (Birds) and Directive 92/43 (Habitat) and summarised in the Project Natura 2000. Both Ministry of Environment and each Region have started thinking about nature conservation outside protected areas, following the framework of ecological networks. Law 426/98 introduces the idea of "Environmental Systems" (Sistemi Ambientali) as the natural development of protected area idea and indicates four systems: Alpine, Apennines, Minor Islands and Protected Coasts. This is a new objective for nature conservation and implies a partial reform of territorial planning, that must consider also the conservation of natural resources and its management.

Institutional actors involved in the policy of nature conservation can be divided in four levels:

- State. At this level it is concentrated the power and the duty of defining general principles, control the activities of National Parks, choose own representatives in the National Parks Administrations, management of a specific fund for protected areas and nature conservation, participation at the institution of National Parks.
- Region. At this level it is concentrated the power and the duty of defining the regional strategy for nature conservation, of instituting new Regional Parks and participating at the decision about new national Parks, of controlling and coordinating of regional protected area activities, of financing together with the Ministry of Environment investments regional protected areas.
- Province. The power is increasing with the approach of ecological networks and the inclusion of nature conservation in territorial planning. Provinces often participate at the management and institution of local protected areas and finance specific activities.
- Local community. Comuni and Comunità Montane are often in the border of administration of Regional and Local protected areas and are involved directly in the management. They finance activities in partnership with other institutions. At this level are also National parks Authorities, which have administrative autonomy.

The costs of the policy involves different actors: the Ministry of Environment has a specific fund (Piano triennale per gli investimenti nelle aree protette) which finance investments of National Parks and, in partnership with Regional Authorities, investments of regional

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<sup>2</sup> [www.parks.it](http://www.parks.it)

<sup>3</sup> Gran Paradiso National Park lies in Piemonte and Valle d'Aosta; Stelvio National Park lies in Lombardia and Trentino Alto Adige.



protected areas. Regional Authorities often finance ordinary cost of management of regional protected areas in partnership with Local Authorities. All actors, in particular Park administrations, have implemented the capacity of elaborate projects and look for specific funding like Life or Structural Funds.

The impact of Nature Conservation and Protected Areas policy on the conservation of cultural landscape can be, in principles, evaluated positively for several reasons: the three specific objectives of the policy are coherent with the idea of the conservation of cultural landscape. It is reasonable to expect that the impact is more evident in the protected areas where it has been possible to define a strategy of local development through planning instruments.

### **3. Landscape as a constraint and as a resource: agriculture and tourism**

#### ***3.1 - Agricultural policy***

Before trying to explain agricultural policy evolution in Italy, it seems to be very useful to underline its role in the socioeconomic context. The so called “agrarian question”, with special reference to Southern Italy, were the main points for Italian policy makers. It is undoubted that the post-war agricultural policies were aimed at solving rural unemployment, increasing farmer’s income and improving their life level. The target was to balance developmental differences between primary and capitalistic structures and among agricultural regions.

The main characteristics of agricultural public intervention in Italy are:

1. to undervalue economic dimension of primary sector instead of social features;
2. to support small size farms instead of efficiency programmes;
3. not to distinguish between land and its management;
4. to separate production of agricultural products and their transformation and distribution;
5. not to consider differences among farms, sectors and regions.

Since post-war period Italian agricultural policy has been developed trying to promote social relevance of primary sector rather than its economic efficiency. The result was an inadequate economic policy for agriculture. In fact, the main target of it was social reconciliation and democratic consolidation. So, agricultural policy was a sectorial policy aimed to assist a lot of farmers rather than to promote economic structural change.

This social persuasion has been strengthened during the Sixties. In spite of community integration and economic programmes of Green Plans, which promoted selected development and agricultural structural reform, Italian Government preferred to assign generalised supports to each farmer.

During the Nineties emerged new policy targets: structural efficiency and sustainable integrated development of rural system. The tasks of primary sector became wider (multifunctionality of agriculture) as stated in Agenda 2000. Consequently also Italian agrofood programme 2000-2003 underlines ethical values, environmental function and occupational target.

Italian agricultural policy supports small size farms. The attempts to prepare structural development and to reassemble small land properties failed due to farmers’ hostility. But also into recent agricultural orientation law there are no resolutions for this problem. Moreover the qualification of farmer to receive supports contributed to maintain high number of farms.



Policy makers made no difference among types and dimension of farms. Till the Eighties distribution of supports benefited all agrifood farms. Recently there were a smaller financial distribution, but with a large number of beneficiaries. Infact, Agenda 2000 extended agricultural tasks with the concept of “multifunctionality”. Obviously this type of financial distribution prefers supports rather than incentives.

Poor attention in favour of efficiency matter caused deficiency in the public field of technical assistance, education (research and development) and information.

Economic programmes in the field of agriculture registered failure as they contained compulsory rather than incentive measures. Consequently there were a lot of difficulties to implement comunitary regulations.

National agricultural policy considered agricultural production, distribution and trasformation of products separate questions. Only recently policy makers promoted horizontal and vertical integration, market orientation of productive choices.

Italian partecipation to CAP decisions was characterised by difficul comprehension. Infact, the partecipation was passive till the second half of the Nineties, when introduction of multifuncionality of primary sistem and partial abandonment of productive principle put near italian interests.

The main policy making features of italian Government in the field of agriculture are:

- a) sectorial separation of political-decisional process;
- b) weak rule of executive power during agricultural policy elaboration;
- c) predominant rule of Parliament (expecially permanent Commissions);
- d) difficulties during execution of comunitary legislation;
- e) deficiency in coordinating amministratives bodies;
- f) conflicts between Governement and regions.

During the 90s there were some attempts to develop new agricultural programmes toward structural improvement, economic efficiency, sustainable development, quality promotion and food safety, rural conservation.

The 90s represented for italian agricultural policy a difficult period owing to great structural changes. 1993 Agricultural Ministry abrogation in particular determined the reorganization of agriculture policy intervention. During 1996 agricultural policies returned among policy makers decisions and 1997 Agricultural policies Ministry was recreated (1999 it was renominated as Agricultural and Forestal Ministry).

During this period there was a structural revision of decisional mechanisms trying to create intersectorial programmes and power distribution from Government to regions. In particular a strong reform was prepared to decentralise financial resources and tasks, and to reorganize amministrative bodies.

It seems to be less difficult also italian partecipation to comunitary decisional process.

In March 2001 the Agricultural orientation law (n° 57/2001) has been approved. Toward applicating this law italian Government adopted three legislatives decrees (April 2001).

Nevertheless it is continuously necessary to transform agricultural policies as there are some political-institutional and administrative transformations that could influence negatively italian



primary sector. Moreover in Italy there are structural problems such as failing structural reforms, weak horizontal and vertical integration, administrative inefficacy, lack of controls, etc. which demand important public interventions.

### **3.2 - Tourism**

It is difficult to trace back the evolution of the national policy in the field of tourism, since the touristic sector has never been recognized as a field of policy until very recently; on the other hand, many public actions – even if not recognizable within a “policy” – have directly and deliberately had consequences on tourism long before. Tourism has entered public policies either as an occasion for economic development.

Public support to touristic development has for example occurred through the financial subsidies to the development of the hotel industry or – just to make an example – to the creation and management of ski resorts.

Correspondingly, public actors have generally sustained and approved private projects and initiative in the field of tourism; during the economic boom of the 50s and 60s, a substantial “laissez faire” has favoured the initiative of developers wherever the opportunity for economic gains from touristic development was perceived. Even without the large involvement of central state projects, many mountain touristic resorts have been rapidly developing due to the pressure originating from the private sector, in most cases driven by interests placed far away from the areas in which development actually occurred.

Only later on, tourism has started to be considered as creating potential dangers for the natural environment and landscape, and to be addressed by specific measures aiming at controlling the environmental and territorial impact of tourism.

An example of this is the requirement of EIA for the most important transformations of the physical space concerned by touristic resorts (introduced in the mid-80s) as well as the many vinculations that landscape protection policies have put explicitly on the development of touristic resorts.

A third important category of public action concerns the promotion of tourism in marketing terms, as well as the provision of centralised services to local private premises. Most Italian Regions have now a centrally-organised network of local tourism development agencies, whose functions range from territorial marketing to destination management and interface with external demand.

A final category of “touristic policies” – having a more episodic occurrence, but by no means a minor impact – concerns large sport events, either directly concerned with mountain areas (eg Olympic winter games) or an indirect one.

The final mixture of these four components has originated rather different outcomes either during time or among regions. The territorial diversity has obviously increased after most of the matters concerning local development and spatial planning have been transferred to Regions.

Thus, for example, some – few – Regions have for long pursued an equilibrated touristic model based on the valorisation of existing local assets – eg this occurred in South Tyrol, where the Regional policy has deliberately favoured a model based on the support given to local initiatives and to the transformation of the existing farming economy into a



“multifunctional” agri-touristic economy, instead than supporting investment of external developers; while other Regions have favoured, or at least not hampered this trend and ended up with a far larger number of second houses and big hotels.

With special reference to mountain areas, laws 25/07/52 n. 991 about mountains areas (“Provvedimenti in favore dei territori montani”) and 03/12/71 n. 1102 about development in mountains (“Nuove norme per lo sviluppo in montagna”) deal question tourism in general terms, meaning it like means of socioeconomic development without some consideration for the landscape.

In years '90 the Law n. 794/91 on natural parks (“Legge quadro sulle aree protette”) puts for the first time the necessity to conjugate landscape’s conservation with the socio-economic development of the zone subordinates to protection, which just the tourism can contribute, and in particular the tourism offer (see below).

Tourism – intended as sustainable tourism, even with some unclear definitions and ambiguities – belong for sure to the range of activities that “conservation and development plans” – the planning documents that each protected areas have to produce – aim at promoting and sustaining through public initiative.

An even more explicit consideration of tourism is contained on Law 97/1994 about areas mounts (“Nuove disposizioni per le zone montane”) consider entirety development and protection of mountain areas, intended as areas are of national interest (see below). Tourism here is explicitly cited as an object of public initiative aimed at achieving a sustainable and balanced regional development, and explicitly required to be planned within a close relation to spatial development and environmental policy in order to guarantee for the respect of environmental and landscape constraints.

Law 30/05/1995 n. 203 on the reorganization of tasks about tourism, show and sport (“Riordino delle funzioni in materia di turismo, spettacolo e sport”) concludes the process of decentralisation of public functions in the field of tourism, after a national referendum in 1993 decided for the abolishment of the National Ministry of the Tourism.

The residual functions of the State in the field of the tourism are exercised in transitory way from the Department of the tourism to the Prime Minister's Office, and subsequently from the Ministry of industry, commerce and craftsmanship, and at the present from the Ministry of the productive activities (which is instituted in 1998, as a result of abolition of Ministry of industry, commerce and craftsmanship); these concern mostly initiatives in the field of marketing and communication, possibly the coordination of regional efforts in some cases, generalised policies based on financial aids and/or special measures in special occasions (eg the Olympic winter games in Torino 2006).

Despite some later attempt to frame the regional legislation within a single policy act - Law 135/2001 – regional legislation and regional policy from now on become the really meaningful and dominant policy sources.

Regional tourist organization is based on the so called APT (Agencies for Promotion of Tourism) with the task to promote local tourist resources and to carry out activity of information and tourist acceptance. This model was first introduced by the 1983 legislation, but of course the full devolution of competences to Regions has started a process of autonomous evolution.



The role and the function, as well as the institutional structure of the APTs have been gradually changing, for example Piemonte with L.R. n. 75 of the 22/10/96 has instituted the ATR (regional Agency for tourist promotion) and the ATL (Agencies of acceptance and local tourist promotion).

ATR has the aim to value and to promote the resources in Piemonte and has the function of analysis and advising of marketing for the tourism.

ATL (whose varied number from Region to Region, in Piemonte currently is 11) promote the local tourist resources, collects and diffuses information, co-ordinate to such aim offices IAT (information and tourist acceptance).

L.R. n. 75/1996 fixes areas where tourism is very important, in which the ATL has to focus its activity, namely all municipalities that are:

- a) comprised in the area of the Comunità Montane
- b) washed by lakes
- c) in which thermal resorts are present
- d) comprised in hill districts
- e) comprised in the territories of natural parks
- f) cities of art
- g) with important business - tourism flows
- h) with important elements for tourist attraction under religious, historical, artistic, archaeological, naturalistic profile or of other kind not comprised between those previous ones.

Other regions (eg Friuli – Venezia Giulia) have favoured the creation of local Tourism development boards, with the direct participation of local private and public actors, with a gradual dismantling or retrenchment of the network of APTs.

The tourist promotion of Italy in foreign countries is task of the State, which carries on this activity by an appropriate organization: Italian National Organization for Tourism (ENIT, instituted with R.D.L. 12/10/1919, n. 2099 and reorganized with laws 11/10/1990, n. 292 and 30/05/1995, n. 203) Object of the promotion and the communication are Italy's image and the total Italian tourist product. ENIT attains this purpose adopting initiatives to introduce in foreign countries the national and regional tourist resources and in particular the natural, environmental, historical, cultural and artistic riches by activity of promotion and communication in foreign countries and service to the Italian tourist firms. To such aim ENIT carries on activity of study of the international markets, does a monitoring of evolution of the foreign tourist demand, elaborates operating strategies with the competent subjects in the tourist field (Ministry of the productive activities Tourism Area and Regions) and with interested organization and associations.

Finally, many Ngos and private associations – sometimes having a recognized public status and an explicitly considered role in the public planning of tourism – have a long tradition of action in this field.

The Touring Italian Club (TCI) is probably the most important one. It was founded in 1900, replacing to the previous Touring Italian Cycling Club. TCI has the aim of the development of the tourism, and in particular in Italy, through the protection of the landscape, of characteristic natural territories, the publication of guides, papers, reviews, books.



The development of “correct” tourism mounts is as well among the basic aims of the Italian Alpine Club (CAI), founded in the second half '800 like private association and subsequently promoted like public agency, for the general importance of its activities.

Priority objective of the CAI is the promotion of the mountain-climbing, the acquaintance of the mountains and the protection of its natural environment.

According to the charter of CAI, art. 1, the Italian Alpine Club is a free national association that has for aim the mountain-climbing and every its manifestation, the knowledge and the study of the mountain, especially of that Italian and the protection of its natural environment

CAI has a role institutionally recognized in some relative issues to the landscape (for example, has the power to name a member in the communal building commission) and to the promotion of tourism.

#### **4. Landscape as a constraint: infrastructure, resource use, urban development**

##### ***4.1 - Spatial planning, urban development***

Spatial planning becomes an issue of public policy in relation with the rapid urban and economic development after WW2. Urban planning, first introduced in 1942, is mostly concentrated on the control of urban rent and on the attempt to preserve spaces for public uses; historically, however, the power of private landowners' interest has been overwhelming and this has been reflected in the delayed and ex-post nature of public regulations concerning the use of soil and spatial planning.

According to the 1942 law – still representing the base of national spatial planning and urban development policies – two layers of planning are foreseen: the regional level (through the PTC, “piano territoriale di coordinamento”, setting the guidelines and the general framework for urban planning) and the municipal level (through the PRG, “piano regolatore generale”, through which spaces are allocated to use destinations, precise guidelines are dedicated to architectural styles, volumes of construction, respect of prescriptions etc.).

In theory, both the PTC and the PRG have broad responsibilities and effective powers, since the plans can effectively constrain private land use to virtually any publicly desired purpose; expropriation of private property for the destination to public uses as well as the introduction of specific constrains and duties.

New urban development was intended to be promoted by the public sector through expropriation, valorisation (through infrastructure and settlement regulation) and later sold again to the private sector in order to avoid private landowners to appropriate rents. In practice, this design (inspired by the French model) did never practically occur and has never been properly implemented. The PTC remaining in most cases general and abstract and the PRG remaining just an instrument for ex-post bargaining with the private interest groups, Italian spatial planning and urban development policies have remained for many respect dominated by the latter, in a framework of substantial *laissez faire*.

With respect to mountain areas, this feature has different outcomes depending of course on the strength of the private interests involved. Whenever the value of edification has been greater (for example in areas suited for touristic development) or pressure for new settlement has been high (especially in areas close to the valleys and along the Prealpine chain, very densely interested by the development of industrial districts, urban development has been



rapid, chaotic and to all relevant aspect poorly regulated. Vice-versa, the areas that have been interested by marginalization and decrease of population and economic initiatives have experienced again a poor public initiative for the maintenance and restoration of existing physical assets.

In more recent times, the power of the public to oppose undesired private initiatives has been improving, but by no means this has led to an accomplishment of the originally foreseen policy framework; rather, policies in the last 20 years can be more effectively described in terms of *no contest* and indecision. A typical example is the very slow process of restructuration and re-destination of previous industrial sites: in the struggle between the powerful interest of private landowners (aiming at their transformation into directional and commercial centers) and public interests (aiming at a balanced development of public spaces, housing etc) the most frequent result is the postponement of decisions for years.

With the creation of Regions and their full empowerment with respect to spatial planning issues (Dpr 616/77), and the parallel emergence of new issues and topics of public planning (concerning environment, nature protection, natural resources use, landscape etc), there has been an attempt to integrate all of these fields within a system of territorial planning; although, only partial success has been achieved so far.

The most remarkable innovation, however, can be searched in the development of a “proactive” attitude to planning, that completes and integrates the traditional approach based on regulation of private initiative.

Laws and acts that have been introduced from the 70s on in many cases bring forward planning instruments that interact closely with spatial planning (eg the basin plans, aimed at managing rivers in an integrated fashion, also are prescriptive for urban development plans with respect to areas in which settlement should be constrained or prohibited.

More in general, Regions and Local Authorities are now orchestrating a deeply entrenched grid of planning instruments in which regulatory purposes are interlinked with sustainable development and the promotion and support of initiatives aimed lato sensu to the balanced valorization of the territory and its resources. The matrix lists the most important instruments, in which there typically a close cooperation between institutional layers (and other non public subjects) is foreseen. The achievement of this cooperation is probably the weakest element of the policy: despite some interesting recent developments, spatial planning for the most part remains a paper exercise, with a lot of genuine but often contradictory efforts and a poor capacity to deliver.

#### **4.2 - Infrastructure and public services: introductory remarks**

The role that infrastructure have on the territory and the environment is not always easy to interpret; in some cases they are remarkable sources of impact. For this reason their concentration represents a real, or possible, element of risk to the environment and the territory; from another point of view, a modern, efficient system of infrastructure permits economic activity, avoiding obstacles, which besides being costly often cause grave harm to the environment.

In this note we focus on transport infrastructure, but very similar features are common to other fields such as power generation, energy transport facilities, water resources use.

Though inspired and in most cases financed through the public budget, the infrastructure policy is dominated by formerly-public, now increasingly privatised companies (Anas for



roads, Enel for electricity, Eni for hydrocarbons, FS for railways, Telecom Italia for telecommunications, municipally-owned companies for public water supply, energy distribution, public transport, waste disposal; landowners' boards (having public status) for soil drainage, irrigation and flood protection.

These subjects have traditionally enjoyed a large decisional autonomy, counterbalanced by the very strict political control on their managing boards. Therefore, these companies could be seen in the past as the direct emanation of the public power, and "merit goods" requirements could be easily imposed on them since both users tariffs and public contributions were administered by the state. This features in a way justified the relatively small and little developed regulatory legislation, since the public property used to be seen as a sufficient guarantee of faithfulness to the public interest.

Though definitely not a priority of any of these public policy fields, environment and landscape could enter – if a politically relevant issue would be affected – in terms of indirect political conditions that the public utilities had to follow, in exchange for a looser control over their efficiency.

The trend now – although differentiated among sectors – is clearly towards privatisation, either of juridical status (private-law publicly owned companies) or with full privatisation and liberalisation; regulatory institutions are being created, but they are much more seen as independent authorities acting in the interest of individual consumers, rather than serving in order to foster the achievement of public policy targets.

In fields like energy, telecommunications and motorways, the delegation to the private sector even of basic infrastructure is now almost total, even because of the ongoing implementation of European directives. As a result, the responsibility to achieve the satisfaction of public needs is no longer laid on the government, but rather on the market; and the responsibility of governments becomes to ensure the proper functioning of markets, while safeguarding public service obligations.

On the other hand, it is becoming increasingly difficult for public authorities to promote and enforce publicly relevant policy targets, since the formal regulatory framework has not been evolving with the same rapidity.

This can have two important consequences that are related to our research, and can be taken as hypotheses to be verified in WP3.

The first one concerns the effectiveness of the actual regulatory framework in ensuring that environmental aspects as well as landscape aspects are properly considered. Although the wording of legislation often pays tribute to the rhetorics of sustainable development, in fact the concrete achievement of these targets is conditioned to the capacity to transfer them into spontaneous attitudes of the private market operators. Instruments like EIA, public authorization of location of facilities, and increasingly the adoption of corporate social and environmental responsibility codes by utilities is important, yet might not be enough.

The second one concerns the development of high-quality services for guaranteeing the quality of life in marginal areas: these are at least nominally guaranteed in a public service system, while market operators are expected to refuse to be involved in the less profitable market segments, of which mountain areas represent the most obvious example. This reasoning could be extended to social services (health, assistance, education, child and elderly care, cultural initiatives), where very similar outcomes are related to the crisis of welfare state policies.



The last reorganisation of the Italian public administration has added a further element of confusion, since many powers that were previously under state responsibility (eg energy policy and planning for energy facilities) is now being transferred on the responsibility of Regions, with still unclear consequences on the allocation of tasks.

#### **4.3 - Infrastructure and public services: focus on transport**

Focusing now on transport facilities as a representative example, in Italy the matter is controlled at national level by Piano Generale dei Trasporti (approved in March 2001) which, however, doesn't consider the impact on the environment; at a regional level, on the contrary, a series of rules and regulations are involved.

The sectors with which the law deals are varied and concern road and railway networks (which carry most of the traffic), seaports and airports, but also the network of distribution of raw materials and sources of energy (as, for example, oil pipelines, power lines, methane pipelines, aqueducts) in addition to telecommunication systems and in the specific case of mountain areas, tourist infrastructures (ski slopes, chair lifts, etc.). Historically, the job of controlling and looking after these sectors have been entrusted by the State to certain institutions with specific duties (for example A.N.A.S., Azienda Nazionale Autonoma delle Strade, for the road network). The decisions relative to infrastructures however didn't take into account the landscape, and the public companies concerned with the relative specific sectors (for example roads, railways, electricity, etc.) came up against extremely restrictive and inorganic laws which often led to an anarchic administration of the territory. This situation became evident above all in the 1970s and the 1980s, but it has only been in the last decade, with the disappearance of the traditional institutional subjects from the running of the specific sectors, that an increasing number of basic problems have emerged.

In the case of Italy the assignment of the management of the various networks (electricity, roads, railways, etc.) involved also the informal transfer of political costs to these public contracting firms which, in the form of improper charges would then fall upon the community. In the present situation in Italy, the only procedure of evaluation requested by law explicitly directed towards an understanding of the complexity of the environmental system is the EIA (Environmental Impact Assessment). The evaluation must, in fact, take into consideration the effects with potentially elevated impact on each environmental component, man included, and also the reciprocal relations between the different impacts and the cumulative effects derived from them. The fact that EIA is limited only to projects causes notable difficulties and the need to anticipate the evaluation of environmental effects on plans of development on national, regional and local scale appears evident

The national and local authority of EIA are different. On a national level, EIA is the prerogative of the Ministry for the Environment, which exercises a power of veto; at a regional level the VIA is part of the final decision of the regional council. The national laws, currently composed of a variety of often inconsistent provisions is unable to provide an adequate basis for the regional laws, which in fact are moving towards much more heterogeneous solutions. To complete the situation in Italy regarding the evaluation of the impact on the environment, it is necessary finally to make known the debate on the application of the VAS (Strategical Evaluation of Environmental Impact) to plans and programmes, a procedure which should solve an important lack in the laws regarding the sustainability of development.

## **5. The search for an equilibrated and sustainable development**



### **5.1 - Landscape, spatial planning and sectoral policies: integration or separation ?**

A typical feature of the Italian approach to landscape-concerned policy is its separation from other sectoral policies. Landscape enters in many sectoral policies indirectly and as a side effect, since landscape-related policy objectives are contained into special-purpose legislation (eg concerning landscape plans or environmental impact assessment), while sectoral policies are barely concerned with the theme.

Therefore, for example, national transport or energy policies hardly mention landscape (in its physical or in its cultural meaning) as a relevant objective, or if they do, this hardly goes beyond a simple wording used in the general principles of legislation, with little practical consequences on the competent authority's behaviour and strategies; on the other hand, special-purpose laws require transport and energy infrastructure to undergo a special assessment procedure, sometimes with a true "veto power" for the administration having in charge landscape or environmental issues, sometimes simply referring the conflict to a superior authority, whose decision is governed by political discretion.

This approach has two major effects, long recognized by public policy theorists and in the empirical work.

On one hand, landscape (as well as environmental) aspects enter sectoral development policies at a relatively late stage, once the main strategies have been already framed, and the decisions at stake are concerned only with the "fine tuning" of strategic plans (eg concerning siting issues). Landscape consideration cannot contribute therefore to the elaboration of the general framework policy.

On the other hand, landscape plans and environmental impact assessment might have in turn a sort of a "veto power" that might result in an over-ranking of the concerned issues, and in any case has generated a rather conflictual, poorly integrated decisionmaking system, often resulting in a "no contest", with long and painful administrative and political conflicts over any public decision affecting territorial change.

Very typically, instruments such as the "vincolo paesistico", the "vincolo forestale" the national EIA are administered by single-mission agencies (Soprintendenze ai beni artistici e architettonici, Forestry Agencies, Ministry of the Environment etc) whose mission as well as administrative culture is very much dominated by a conservative approach.

The resulting conflict is solved in various ways, depending on the relevance of the concerned issue. In practice, single-mission landscape-concerned agencies have limited resources and power, and their enforcement capacity is very weak; therefore the apparent harshness of the constraining regulations are in practice avoided and by-passed "informally". Italy is possibly the Alpine country in which the issue of illegal alteration of landscape, building etc is the most critical one.

In any case, in order to understand properly the functioning of the decisionmaking process, the "basic laws" – often dating many decades ago and still valid with many respects – have to be considered together with the special norms that in the following time have introduced special issues in the decisionmaking structure.

In the present contribution we have adopted the choice of slightly modifying the approach proposed in WP1 by considering "policy sub-areas" instead than single legislation; each policy sub-area is sketched out by identifying the



Therefore, to make only an example, the legislation of 1933 regulating water use licenses and hydropower infrastructure – still valid for many aspects – is presented together with the subsequent laws that have introduced norms for reducing administrative discretion, for introducing new constraints such as the minimum acceptable flow, for the EIA of new hydropower projects of great and small scale etc.

Implementation and enforcement issues, as well as the way coordination is achieved among the so many single-mission agencies will be focused on in WP3.

## **5.2 - From “rainfall measures” to integrated planning: the influence of the European approach to regional development**

Like many other “late comer” countries, to economic development, Italy has traditionally exhibited an “interventionist” attitude for the sake of fostering economic growth.

Focusing in particular on mountain regions, we should remark first that, different from Austria, Switzerland and Slovenia, mountain has never represented a core policy issue for regional development; more typically, it has been concerned with welfare state policies aimed at smoothening the dramatic impact on marginal regions of overall economic development (occurring mostly in other areas).

The typical Italian model for supporting regional development – namely, the intervention of publicly-owned companies for the sake of creating working places in marginal areas and/or creating the conditions for relatively profitable private initiatives – finds very clear examples in mountain regions with the creation of publicly-owned companies aimed at construction, development and management of ski resorts, usually suffering budgetary losses (or, alternatively, the financial support from the public budget to private initiatives with the same purposes). Another example, that can be easily found in most regions, is the creation of publicly-owned merchant banks and financial companies, who participate to the capital of local firms and therefore contribute to reinforce their place in the market.

This model of intervention has been accompanied by financial measures and subsidies of different nature (from tax exemptions to direct contributions to enterprises located in disadvantaged areas), but more often on purely redistributive initiatives (pensions, grants etc). For this reason, the traditional model has been labelled as “social security”, and its most distinguished feature used to be represented by the lack of selectiveness, and thus ultimately by a weak capacity to fulfil a design whatsoever of regional economic development. Even public merchant banks in fact had the mission of guaranteeing and safeguard working places – at whatever cost – rather than that of promoting local development, and can as well be considered under the broad label of “welfarist” policies.

Once again, only when endogenous forces (eg areas suited for the new “mountain tourism” developing in the 60s, but also and probably more the new vital industrial economy of “industrial districts”, most of which are located in the first prealpine valleys immediately close to the Po plains), or the presence of publicly-owned initiatives (industry, military resorts, transport facilities) were strong enough, this has led to a vital and growing local economy; in most of the Italian side of the Alpine chain, public policies aimed at regional development have rarely been effective in inverting the spontaneous trends.

The turning point is represented by the entry on the scene of European regional development policies and of structural funds. In the very first phase, these were approached by regional institutions as just another source for traditionally-conceived welfare-dominated transfers; very rapidly, however, the attitude has been forced to change, particularly after the reform of



common agricultural policies in 1992 created the scope for a wide reform of local development policies, following the guidelines of integration and balanced economic development.

Rural development policies (framed by European Reg. 2078/92 and later on by Agenda 2000) and structural policies (Leader, Interreg in particular) are gradually fostering real chances for local development, that are already evident in the social and economic indicators of the areas in which intervention has been more effective.

Within this innovative framework mountain areas are surely in a good position, since they are the most obvious candidate for the employment of structural funds (although in many cases the traditional administrative division includes mountain areas together with highly-developed lowland areas, and averages can be high enough to exclude them), and they have in fact benefited from a significant share of European funds. On the other hand, the attempt to build on this approach in order to potentiate national policies explicitly targeted to mountain zones are still lagging behind.

Almost contemporary with the framework law on parks, the national law on mountain development (L.97/1994) approved in the same period completes and integrates the same philosophy, trying to abandon the traditional intervention substantially based on income transfers and “social security” approach, according to which mountain zones were suitable for public support because of their unavoidable structural disadvantage face to the higher economic dynamics of more favoured areas. Law 97/1994 tries to abandon the “all-subsidy” approach to rural development and to adapt to mountain regions the idea of sustainable endogenous development.

If the mountain laws of the '60 were based on direct and indirect subsidies, typically indiscriminate, and on artificial economic support to industry and “hard” tourism in mountain areas, the new approach, fully integrated and inspired by the European rural development and structural funds policies adopt the new approach of fostering endogenous development, with strong emphasis on environmental and social sustainability. Contractual instruments, management agreements, co-financing of private initiative, incentives to sustainable activities etc take the place of across-the-border targetless subsidies.

However, this approach shows difficulty to find its space within an administrative culture that, as we have just seen, is still dominated by non-integration among sectors and impervious to cross-fertilization of policies. In fact, the Law 97/1994 still lags behind in the implementation and, for most practical aspects, remains on the paper.

## **6. Conclusions**

To sum up, the Italian approach to landscape oscillates from an attitude to pure and inflexible conservation – that is well visible either in the legislation on landscape protection or environmental impact assessment – and a substantial neglect of the impact of regional development on landscape and environmental change.

Conservation, intended very rigidly as a refusal to nearly any attempt to modify spatial and physical structures of territory, could not of course affirm in any part of the country; the result has been the leopard-skin approach that characterizes the national landscape conservation policy, with very strong constraints placed in rather few and very well-defined areas, and a substantial incapacity to influence “spontaneous” land use change trends as well as the patterns of human settlement, building etc., and even other public policies (eg infrastructure) as far as a strong political commitment was devoted to them.



On the other hand, public action aimed at regional development has been as well oscillating between “laissez faire” and a subsidy-based, welfare-based and indifferentiated policy, considered mostly in terms of pure income redistribution.

Only recently and in a small number of policy fields – namely, agriculture and tourism – some signals of an attempt to consider regional development and landscape protection has appeared in the wording of legislation, with an explicit reference to the rhetorics of sustainable development.

Spatial planning, nature conservation, rural development – based on EU structural funds and therefore dominated by the European approach – are as well clearly evolving from the “rainfall approach” dominated by welfare state transfers, in favour of the attempt to foster locally-based economic initiatives and to pilot regional development towards the sustainable valorisation of local resources.

While both of these trends are clear and have shown a rapid development in the past 10 years, their capacity to modify the stable features that have been dominating for more than a century. Even if legislation in many cases already has a full recognition of these principles, changes in the administrative culture as well as in the decisionmaking patterns are far slower.

On the other hand, areas in which “new” development policies are the leading ones – and especially those driven by European structural development and agro-environmental policies – are probably in the best position for expecting a stronger impact of the ongoing change, even because of the relatively weaker opposition of “traditional” policy networks and actors.



## Tables

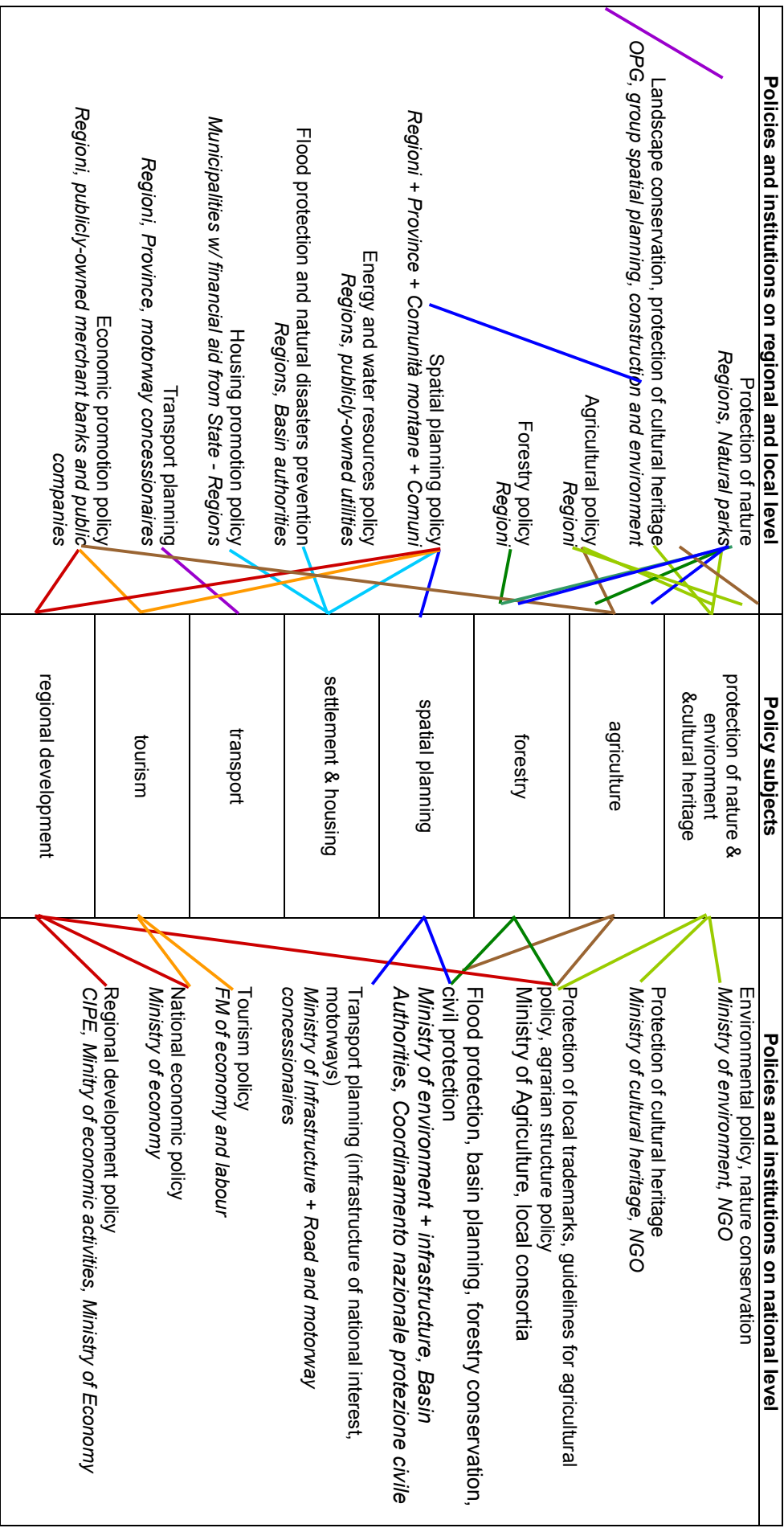


## 1. A scheme of Italian administrative levels

Territorial level	Leading administration	Peripheral branches
<b>STATO (NUTS 1)</b>	<p style="text-align: center;"><b>Legislative power</b> Camera dei deputati, Senato</p> <p style="text-align: center;"><b>Executive power</b> Consiglio dei ministri</p> <p>Presidente del consiglio dei ministri (PCM) Ministero degli interni (MI) Ministero dell'Economia, Finanze e Bilancio (MEEFB) Ministero delle Infrastrutture e Trasporti (MIT) Ministero dell'Ambiente (MA) Ministero delle Attività Produttive (MAP) Ministero delle Politiche Agricole (MAGR) Ministero della Sanità (MS) Ministero dell'Istruzione, dell'Università, della Ricerca (MIUR) Ministero dei Beni Culturali (MBC) Other ministries Interministerial committees (eg. CIPE)</p>	<p>National ministries used to have peripheral administrations directly depending from the central level. Most of these agencies are now being transferred to Regions while leaving the central government with framework legislation These used to be organised at the district level (provincia) or at other levels suitable for that particular case (e.g. hydraulic) Prefecture Fiscal offices, Regional control committees Provveditorati alle opere pubbliche; Magistrati alle acque, ANAS - - AIMA - Provveditorati agli studi, Università Soprintendenze ai beni culturali, artistici e paesaggistici</p>
<b>REGIONE (NUTS 2)</b>  15 ordinary 4 autonomous 2 autonomous Provinces  In the Alps: 4 ordinary 2 autonomous 2 autonomous Provinces	<p><b>Legislative power: Consiglio regionale (elected)</b></p> <p><b>Executive power:</b> Presidente della Regione (« Governatore »), directly elected <i>Giunta Regionale</i></p> <p>Autonomous regions have had for long special autonomy on given issues. Now the difference is disappearing since all regions have statutory powers and autonomy.</p>	<p>Regional agencies often have peripheral offices and agencies</p> <p>In the Alpine Region: 4 ordinary Regions (Liguria, Piemonte, Lombardia, veneto, 2 autonomous (Friuli-Venezia Giulia and Valle d'Aosta) + 2 Autonomous Provinces of Trento and Bolzano</p> <p>The distinction btw ordinary and autonomous regions is now disappearing, since "ordinary" regions have acquired the same statutory and administrative autonomy as the others</p>
<b>PROVINCIA (NUTS 3)</b> approx. 100 in total Approx. 25 in the Alps <b>COMUNITA' MONTANA</b>	<p>Consiglio provinciale (elected) Presidente della Provincia (elected) Giunta provinciale (appointed by the Presidente) Agglomeration of municipalities, with some statutory competences and the faculty for municipalities to delegate functions</p>	
<b>COMUNE (NUTS 4)</b> approx. 8200 in total Approx. 1700 in the Alps	<p>Consiglio comunale (elected) Sindaco (elected) Giunta comunale (appointed by the Sindaco)</p>	



## 2. Scheme of policy subjects and institutions in Italy





### 3. Landscape protection, conservation and development

Level 2 (Laws of Public Policy)			Level 3 (Instruments for Public Policy Implementation)	
State	Region	Objectives	State	Region
Law 1497/39		To individuate goods and single components of the environment whose "beauty" should be preserved unaltered	"Vincolo architettonico, paesistico o artistico"	
Law Galass 431/1985				State administration (Soprintendenze) have the power to put a destination and property constraint ("vincolo") on 4 categories of goods: <ul style="list-style-type: none"> <li>- physical elements having special natural beauty or geological singularity</li> <li>- historical countryhouses, gardens and parks, that are not yet included in the cultural and historical heritage, but are distinguished for their uncommon beauty</li> <li>- sets of buildings and immobiliar goods having altogether a typical feature and a considerable esthetic and traditional value</li> </ul> landscape beauties considered as "natural pictures" as well as locations accessible to the public from where the sight of these beauties is possible <sup>4</sup> The "vincolo" requires the permission of the Soprintendenza for any alteration of the good's characters; permission follows a discretionary procedure, Soprintendenze are single-issue authorities only devoted to conservation of cultural and natural heritage
Digs 490/99		Human and environmental landscapes considered with the same ranking		Regional landscape plans  Landscape conservation plan should set guidelines concerning: <ul style="list-style-type: none"> <li>- territories within 300 m from the lakes' shores</li> <li>- mountain territories (above 1600 m in the Alps, 1200 m on Appennino)</li> <li>- glaciers,</li> <li>- rivers and territori within 150 m from the shores</li> <li>- woods and forests</li> <li>- areas that are destined to natural parks (also includes "paper parks" ?)<sup>5</sup></li> </ul> The plan allows regional administration to produce guidelines that prevent alteration of any goods within the above categories The adoption and the content of the landscape plan has many elements of discretionality <i>Regions have the faculty to integrate the landscape plan within the general territorial plans or to produce it as a separate plan</i>
<p><sup>4</sup> 1) le cose immobili che hanno cospicui caratteri di bellezza naturale o di singolarità geologica; 2) le ville, i giardini e i parchi che, non contemplati dalle leggi per la tutela delle cose d'interesse artistico o storico, si distinguono per la loro non comune bellezza; 3) i complessi di cose immobili che compongono un caratteristico aspetto avente valore estetico e tradizionale; 4) le bellezze panoramiche considerate come quadri naturali e doti pure quei punti di vista o di belvedere, accessibili al pubblico, dai quali si goda lo spettacolo di queste bellezze.</p> <p><sup>5</sup> a) territori costieri per una profondità di 300 m dalla linea di battigia, anche per i terreni elevati sul mare; b) territori contorniati ai laghi compresi in una fascia della profondità di 300 metri dalla linea di battigia, anche per i territori elevati sui laghi; c) fiumi, torrenti e corsi d'acqua iscritti negli elenchi delle acque pubbliche e relative sponde per una fascia di 150 m; d) montagne sopra i 1.600 nelle Alpi e 1.200 negli Appennini; e) ghiacciai e circhi glaciali; f) parchi e riserve nazionali e regionali e territori di protezione esterna ai parchi; g) territori coperti da foreste e da boschi, ancorché percorsi da incendi e quelli sottoposti a vincoli di rimboscimento; h) aree assegnate alle università agrarie e zone gravate da usi civici; i) zone umide comprese nell'elenco di cui alla Convenzione di Ramsar; j) vulcani; m) zone di interesse archeologico; n) zone di interesse archeologico;</p>				



		More general conservation of landscape intended as a systemic unity			
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#### 4. Nature conservation and protected areas

Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
Italy	Friuli VG	Objectives	Italy	Friuli VG	Objectives
<p>Legge 394/1991 <b>Protected Areas Act</b> Ministry of Environment</p>		<p>The act has the general objective of defining the framework for Italian policy for nature conservation.</p> <p>The main categories of objectives are:</p> <ul style="list-style-type: none"> <li>- Definition of a classification of protected areas, based on type of management and strictness of vinculazioni</li> <li>- Promotion of conservation of protected areas (habitat, natural resources, water and soil defence)</li> <li>- Promotion of sustainable development in protected areas (promoting infrastructures, economic sectors, tourism and recreational activities)</li> <li>- Promotion of environmental education, research and training on nature management and local sustainable development</li> </ul> <p>The act gives the guidelines to the policy for nature conservation in Italy and proposes a classification of protected areas.</p> <p>It defines the role of the Ministry of Environment with a new Service for nature conservation, of coordination of regional and national parks activity, control and financing.</p> <p>It sanctions the institution of new national parks and defines the general framework for regional policy about protected areas.</p>	<p>Park rule</p>		<p>Define regulations and constraints for all activities (housing, territorial development, hunting,</p>
			<p><b>Park Plan</b></p>	<p><b>Financial Instruments</b></p>	<p>Defining the long and medium term strategies and actions for economical and social development in the district of each protected area.</p>
			<p><b>Economical and Social development Plan</b></p>	<p>Defining the long and medium term strategies and actions about use of territory.</p>	<p>Creating a specific fund (Piano triennale per gli investimenti nelle aree protette) which finances investments of National Parks and, in partnership with Regional Authorities, investments of regional protected areas.</p>



Level 2 (Laws of Public Policy)			Level 3 (Instruments for Public Policy Implementation)		
Italy	Friuli VG	Objectives	Italy	Friuli VG	Objectives
<p>Legge 344/97</p> <p><b>Provisions on development and qualification of interventions and employment in environment</b></p> <p>Ministry for Environment</p>		<p>The act implements previous Legge 394/91, instituting new national parks.</p> <p>The main objective is to augment the number of national protected areas and the percentage of protected territory in Italy.</p>	Italy		
<p>Legge 426/98</p> <p><b>New interventions in environment</b></p> <p>Ministry for Environment</p>		<p>The main objectives of the act are:</p> <ul style="list-style-type: none"> <li>- Promote a new approach to the institution of national protected areas, involving regional authorities and local communities;</li> <li>- Introduce the idea of conservation of nature through parks networks policy (environmental systems);</li> <li>- Introduce a new approach to park planning promoting the coordination of park territorial plan with economic and social development plan.</li> </ul>	<p>New Kind of Park Plan</p> <p>Idea of "Environmental Systems"</p>		<p>Defining the long and medium term strategies and actions for conservation and development in protected areas inside an only planning document.</p> <p>Implying a partial reform of territorial planning, that must consider also the conservation of natural resources and its management.</p>



Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)	
Italy	Friuli VG	Italy	Friuli VG
Legge Regionale 42/96 <b>Regional parks and natural reserves regulation</b>	Autonomous Region of Friuli Venezia Giulia		<b>Regional Park Conservation and Development Plan.</b>
<p><b>Objectives</b></p> <p>The act institutes regional natural parks and reserves in Friuli Venezia Giulia, defining their objectives (conservation of habitat, sustainable development and implementation of knowledge on territory and environmental systems), instruments to get them (planning, resources and actors), and their administrative bodies.</p> <p>It even institutes Azienda Parchi e Foreste Regionali, the regional office aimed to address and help parks administrative bodies in their activity.</p>			<p><b>Objectives</b></p> <p>Prohibition of some activities (ex lege) + prohibitions and vincolations set up in the Conservation and Development Plan.</p> <p>Defining the long and medium term strategies and actions in regional protected areas.</p>



### Non Public Policies

Italy	Friuli Venezia Giulia	<p>This fund finances the realization of Local Agenda 21 actions, i.e. of a non-binding environmental plan based on involvement of population and stakeholders, by local administrations.</p> <p>It can concern regions, local communities (Comuni and Comunità Montane), national and regional parks Authorities.</p>			
<p>Bando per la realizzazione di azioni di Agenda 21 Locale</p> <p>Financing Local Agenda 21 Actions in all national territory (with a specific interest to protected areas)</p> <p>Ministry of Environment</p>		<p>There are many programmes implemented by environmentalist associations to spread nature sensibility, mostly among young generations and school pupils and students who live in protected areas.</p>			
<p>Programmi di educazione ambientale</p> <p>Environmental education programmes</p> <p>Environmentalist Associations (WWF Italia, Legambiente etc.)</p>		<p><b>Italian Alpine Club (CAI) manages many shelters in alpine regions, in which a visitor can find a frugal accommodation. CAI is even responsible of upkeeping and signalling of alpine paths.</b></p>			
<p>Manutenzione sentieri e rifugi alpini</p> <p><b>Alpine shelters and paths upkeeping</b></p> <p>Italian Alpine Club (CAI)</p>					



## 5. Environmental impact assessment

Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
State	Region	Objectives	State	Region	Objectives
<p>Law 8/7/1986, n. 349<sup>6</sup>  DPCM 10/8/1988, n.377  DPCM 27/12/1988 -  Technical rules of  application  Ministry Environment  Circular 23/2/90, n.  1092/VI/A.0013.1  Ministry Environment  Circular 21/5/91,  n.3093/1.20  Ministry Environment  Circular 15/02/96 DPR  12/04/96<sup>7</sup>  DPR 3/07/98  DPR 2/9/99 n. 348  Technical rules of  application  DPCM 3/9/99</p>	<p>DPR 12/04/96 gives to  regions and  selfgoverning "province"  the power to perform  EIA for all project listed  in ECC Directive 337/85  DPCM 3/9/99 introduces  a new list of projects</p>	<ul style="list-style-type: none"> <li>To assess the environmental impact/compatibility of certain activities at an early stage of planning</li> <li>EIA ensures that environmental consequences of projects are identified and assessed before authorisation is given</li> <li>EIA is aimed at identifying the effects of development projects on environment.</li> <li>To analyse landscape quality (historical and cultural features, natural features and human activities) before and after intervention.</li> <li>It is aimed to improve public decisional process by defining benefit-damage balance (ecological/environmental considerations but also socioeconomic features); to promote ecologically sustainability of each project; to avoid environmental damage; to promote public participation</li> <li>List of actions and projects that require EIA (at the national or the regional level) according to list A and B of European EIA Directive</li> <li>Main difference among national and regional EIA: the national one has a veto power, while regional EIA is concluded by an administrative decision including also the reasons of project promoters</li> </ul>			

<sup>6</sup> Istituzione del Ministero dell'Ambiente e norme in materia di danno ambientale.

<sup>7</sup> "Atto di indirizzo e coordinamento per l'attuazione dell'art. 40, comma 1, della Legge 22 febbraio 1994, n. 146, concernente disposizioni in materia di valutazione d'impatto ambientale"



	<p>L.R. 7-9-1990, n. 43 e successive modificazioni ed integrazioni D.P.G.R. n. 245/Pres. dell'8 luglio 1996 D.P.R. 12 aprile 1996 D.G.R. 31 marzo 2000, n. 789</p>	<ul style="list-style-type: none"><li>• Individuation of actions that require EIA procedure</li><li>• Identification of "sensitive areas" in which criteria for inclusion are more strict; areas of "natural and landscape interest" included</li><li>• Definition of procedures including guidelines for carrying on the EIA procedure including guidelines for EIS, consultation procedures and final decision of the public administration</li><li>• "Valutazione di incidenza": special EIA that is required for analysing the impact of public decisions and plans over sites that have been designated as European Interest Sites (landscape – natural and cultural heritage – biotopes etc)</li></ul>			
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## 6. Spatial Planning / territorial-planning policies

Level 2 (Laws of Public Policy)			Level 3 (Instruments for Public Policy Implementation)	
State	Region	Objectives	Region	Municipality Objectives



<p>D. Lgl. 18 agosto 2000, n. 267 "Testo unico delle leggi sull'ordinamento degli enti locali"</p> <p>D.M. 8 ottobre 1998, n.278, Programmes for urban qualification and sustainable development</p>	<p>Regioni a statuto speciale": -Trentino Alto Adige: L.Cost.26.2. 1948 n.5 -Friuli Venezia Giulia: L.Cost.31.1. 1963 n.1 -Valle d'Aosta: L.Cost.26.2. 1948 n.4</p> <p>"Province autonome": Trento and Bolzano</p>	<ul style="list-style-type: none"> <li>Allocation of responsibilities among territorial levels</li> <li>Identification of main planning responsibilities and documents</li> </ul> <p>La legge regionale detta le procedure di approvazione nonché norme che assicurino il concorso dei comuni alla formazione dei programmi pluriennali e dei piani territoriali di coordinamento. Ai fini del coordinamento e dell'approvazione degli strumenti di pianificazione territoriale predisposti dai comuni, la provincia esercita le funzioni ad essa attribuite dalla regione ed ha, in ogni caso, il compito di accertare la compatibilità di detti strumenti con le previsioni del piano territoriale di coordinamento. Gli enti e le amministrazioni pubbliche, nell'esercizio delle rispettive competenze, si conformano ai piani territoriali di coordinamento delle province e tengono conto dei loro programmi pluriennali...."</p> <p>...La regione, previa intesa con gli enti locali interessati, può definire ambiti sovracomunali per l'esercizio coordinato delle funzioni degli enti locali, attraverso forme associative e di cooperazione, nelle seguenti materie:</p> <p>a) pianificazione territoriale;</p> <p>b) reti infrastrutturali e servizi a rete;</p> <p>c) piani di traffico intercomunali;</p> <p>d) tutela e valorizzazione dell'ambiente e rilevamento dell'inquinamento atmosferico;</p> <p>e) interventi di difesa del suolo e di tutela idrogeologica;</p> <p>f) raccolta, distribuzione e depurazione delle acque;</p> <p>g) smaltimento dei rifiuti;</p> <p>h) grande distribuzione commerciale...."</p> <p>...Le comunità montane adottano piani pluriennali di opere ed interventi e individuano gli strumenti idonei a perseguire gli obiettivi dello sviluppo socioeconomico, ivi compresi quelli previsti dalla Unione europea, dallo Stato e dalla regione, che possono concorrere alla realizzazione dei programmi annuali operativi di esecuzione del piano. Le comunità montane, attraverso le indicazioni urbanistiche del piano pluriennale di sviluppo, concorrono alla formazione del piano territoriale di coordinamento...."</p> <p>"...identificazione delle linee fondamentali dell'assetto del territorio nazionale con riferimento ai valori naturali e ambientali, alla difesa del suolo e alla articolazione territoriale delle reti infrastrutturali e delle opere di competenza statale, nonché al sistema delle città e delle aree metropolitane, anche ai fini dello sviluppo del Mezzogiorno e delle aree depresse del paese...."</p>	<p>Guidelines for urban development plans</p> <p>Sectoral plans</p>	<p>Urban development plans</p> <p>Urban restoration plans</p> <p>Integrated municipal plans</p> <p>Urban qualification and local sustainable development plans</p> <p>Urban traffic plans</p>	<ul style="list-style-type: none"> <li>UDP set regulations concern urban development, new settlement, housing, destination of soil to human activities, size and typology of building, traffic, urban infrastructure etc.</li> <li>Mostly based on command and control regulation; very little use of negotiated planning and economic incentives</li> <li>Other plans typically involve the allocation of public money from upper budget authorities provided that local authorities (municipalities, ev. associated, province, comunità montane, industrial district committees etc.) develop a plan following the guidelines and meeting the objectives of the specific policy measure.</li> </ul> <p>Spettano al comune tutte le funzioni amministrative che riguardano la popolazione ed il territorio comunale, precipuamente nei settori organici dei servizi alla persona e alla comunità, dell'assetto ed utilizzazione del territorio e dello sviluppo economico, salvo quanto non sia espressamente attribuito ad altri soggetti dalla legge statale o regionale, secondo le rispettive competenze...." ...Spettano alla provincia le funzioni amministrative di interesse provinciale che riguardano vaste zone intercomunali o l'intero territorio provinciale nei seguenti settori:</p> <p>a) difesa del suolo, tutela e valorizzazione dell'ambiente e prevenzione delle calamità; b) tutela e valorizzazione delle risorse idriche ed energetiche; c) valorizzazione dei beni culturali; d) viabilità e trasporti; e) protezione della flora e della fauna parchi e riserve naturali. La provincia, inoltre, ferme restando le competenze dei comuni ed in attuazione della legislazione e dei programmi regionali, predispone ed adotta il piano territoriale di coordinamento che determina gli indirizzi generali di assetto del territorio e, in particolare, indica:</p> <p>a) le diverse destinazioni del territorio in relazione alla prevalente vocazione delle sue parti;</p> <p>b) la localizzazione di massima delle maggiori infrastrutture e delle principali linee di comunicazione;</p> <p>c) le linee di intervento per la sistemazione idrica, idrogeologica ed idraulico-forestale ed in genere per il consolidamento del suolo e la regimentazione delle acque;</p> <p>d) le aree nelle quali sia opportuno istituire parchi o riserve naturali...."</p> <p>...I programmi pluriennali e il piano territoriale di coordinamento sono trasmessi alla regione ai fini di accertarne la conformità agli indirizzi regionali della programmazione socio-economica e territoriale.</p>
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Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)	
State	Region	State	Region
L.183/89 Dlgs 152/99	Regional laws implementing L.183	<ul style="list-style-type: none"> <li>• protection of soil</li> <li>• achieve healthy water environment</li> <li>• use and management of water in order to achieve rational economic and social development</li> <li>• protection of the environment</li> <li>• establishment of river basins as the relevant territorial unity for water policy and soil management</li> <li>• achieve arrangement, conservation and restoration of soil within hydrographic units (basins) through hydrogeological, hydraulic, forestry, agro-hydraulic, etc. interventions</li> <li>• arrangement and conservation of river morphology and minimum flows</li> <li>• regulation of floods and prevention of landsliding</li> <li>• regulation of quarries and mining activities</li> <li>• conservation of cultural heritage and landscape</li> </ul>	Basin plan having gerarchical supremacy over any other territorial plan and setting guidelines and regulations for sectoral plans  Basin authorities are created for each watercourse; for river basins of "national relevance" a dedicated new authority is created, others are directly regulated by Regions
			Basin plans allocate ordinary funds allocated to flood protection and water infrastructure among projects that are presented by operators ("operators" are other public authorities)  Basin plans can adopt general and special regulations affecting any matter having relevance for general and specific objectives



## 7. Agricultural Policies

Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
National level	Regional level	Objectives	National level	Regional level	Objectives
<p>L. 57/2001</p> <p>March 2001</p> <p>"Agricultural orientation law"</p>	<p><b>Friuli Venezia Giulia</b></p> <p>Regional development plans</p> <p>"Giunta" President Decree n°0108 10 aprile 2001</p> <p>European Commission Decision n° C(2000)2902 - 29 settembre 2000</p>	<p>The main targets of this law are:</p> <ul style="list-style-type: none"> <li>- to promote economical and social development of agriculture taking into account environmental features of territory;</li> <li>- to develop rural system supporting multifunctionality of primary sector;</li> <li>- to protect consumers health and to preserve environment;</li> </ul>	<p>Agricultural</p> <p>Agri-food agri-industrial and Forestry</p> <p>Programme Document (2001-2003)</p>	<p>Regional rural development plans</p> <p>"Giunta" President Decree n°0108 10 aprile 2001</p> <p>European Commission Decision n° C(2000)2902 - 29 settembre 2000</p>	<p>Measure "F" "Agrienvironmental measures" is divided into 3 branches:</p> <ol style="list-style-type: none"> <li>1) diffusion of agricultural production with low environmental impact;</li> <li>2) management of agricultural territory and improvement of environmental and natural conditions;</li> <li>3) defence of biodiversity, conservation of rural landscape and has 13 actions to implement the targets of branches.</li> </ol>



<b>Non Public Policies</b>					
	<p>Producers Associations (i.e. Italian Biological Agriculture Association - AIAB)</p> <p>Associations created to defence and promote agricultural products ("Consortzi")</p>	<p>These bodies have compounded organization (public and private). Their role is very important to influence decision making process, especially in the field of agrienvironmental legislation.</p> <p>They try to improve market performance of some product and in particular to employ to advantage typical products as regards their origin.</p>	<p>Regional producers associations</p>		



## 8. Tourism

Level 2 (Laws of Public Policy)			Level 3 (Instruments for Public Policy Implementation)		
National level	Regional level	Objectives	National level	Regional level	Objectives
<p><b>L. 135 del 29/03/01</b></p> <p>„Riforma della legislazione nazionale del turismo“</p> <p>„Tourism national legislation reform“</p> <p>Permanent Conference relation State Regions Provinces</p> <p>Tourism national conference</p>		<p>This law establishes that the State protect environmental resources, cultural goods and local traditions in order to promote a turistic development sustainability, and that it promote strategic use rural place for tourism in a context of an integrated rural development</p>	<p>Piano di sviluppo delle Comunità Montane Local development plans</p> <p>Piano triennale per le aree protette</p> <p>National Programmes for the conservation and development of nature</p> <p>Progetti di sviluppo dei sistemi turistici locali</p> <p>(Local plan for the development of local touristic systems)</p>		<p>The development plan, leaving from a examination of the zone (...) will have to preview the concrete possibilities of development in several economic, productive, social fields and of the services.</p> <p>It previews the predisposition of services and systems of character turistic-naturalistic (...) and every other activity to favor, in the respect of the requirements of conservation of the park, the development of the tourism and the connected local activities.</p> <p>Individuation of „local turistic system“ (homogeneous and integrated turistic areas) wich would be able to offer an integrated turistic offer (cultural and environmental goods, local handicraft or typical agricultural product).</p>



Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
National level	Regional level	Objectives	National level	Regional level	Objectives
	<p><b>Piemonte L.R. n. 75 del 22/1/096</b></p> <p>Organizzazione dell'attività di promozione, accoglienza e informazione turistica in Piemonte.</p> <p>Consiglio Regionale</p> <p>Organization of activity of promotion, acceptance and tourist information in Piemonte</p>	<p>Art. 1.1 La presente legge disciplina l'esercizio dell'attività di promozione, accoglienza e informazione turistica in Piemonte e l'organizzazione delle strutture tecnico operative preposte allo svolgimento delle stesse.</p> <p>Sono costituite: l'agenzia regionale per la promozione turistica (ATR) e le Agenzie di turismo locale (ATL)</p> <p>This law directs the activity of promotion, acceptance and tourist information in Piemonte and the organization of the technical structures. So they are constituted: Regional Agency for Tourist promotion (ATR) and the Agencies of local tourism (ATL).</p>		<p>Programma pluriennale di indirizzo e coordinamento pluriennale</p> <p>Program of trend and co-ordination</p>	<p>It indicates the trend of the tourism in Piemonte, the tendencies and the prospects of market; the objectives of the tourist movement in Piemonte; the trend and the modalities of co-ordination of promotional activity of Regional Agency for Tourist promotion (ATR) and of Agencies of local tourism (ATL).</p>
	<p><b>Piemonte L.R. n. 4 del 24/01/00</b></p> <p>Interventi regionali per lo sviluppo, la rivitalizzazione e il miglioramento qualitativo di territori turistici</p> <p>Interventions for the development; of tourist territories</p> <p>Regional</p>	<p>The region in conformity to a sustainable tourism promote development and qualitative improvement of tourist areas by plans natural, social and economical resources for a compatibility of environment, society, local economy.</p>		<p>a) V.I.A. (E.I.A.)</p> <p>b) Studio di fattibilità (Feasibility study)</p> <p>c) programma integrato (integrated program)</p> <p>d) progetti di intervento (intervention plan)</p>	<p>E.I.A. about pianification's direct and indirect effects.</p> <p>To valuation environmental, cultural, socioeconomic character in respect sustainable tourism</p> <p>On the base of the study of feasibility in order to recognize the qualitative and quantitative characteristics of the territory, the interventi ons to realize, in the respect of a sustainable tourism.</p> <p>To improve tourist offer of territory in respect sustainable tourism.</p>



	<p><b>Piemonte L. R. n. 1 del 07/01/02</b> Interventi a sostegno dei prodotti turistici di interesse regionale ed a sostegno del turismo piemontese in caso di eventi eccezionali. Modifiche ed integrazioni alla legge regionale 22/10/96 n. 75</p>	<p>Piemonte Region proposed to promote the support, the realization, the promotion and the commercialization of tourist products of regional interest, by means of the valorization of the tourist resources presents on the territory. Tourist product of regional interest is the definition of intervention plans, publics and private, for the creation of a complex of directed initiatives to satisfy the needs of the tourist.</p>		<p>Progetti di intervento Plans of interventions</p>	<p>This plan must contain the valuation of the environmental, cultural, socio-economic characteristics, of the ability to marketing and sales of the product and the profit of the context, as well as the technical modalities of financing</p>
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## 9. Infrastructure (Transport)

Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
National level	Regional level	Objectives			
General Transport Plan (March 2001)		<p>The General Transport Plan intends to</p> <ul style="list-style-type: none"><li>- Promote an environmentally sustainable transport system;</li><li>- Reduce polluted emissions and territorial use to develop less polluted transport means;</li><li>- Reach a new balance in the national transport types in order to promote the railway system;</li><li>- Improve territorial integration and transport equilibrium</li><li>- Raise high levels of safety in transport system</li></ul>	<p>The law does not mention specific instruments aimed at landscape protection; ministry and other authorities have the power to use the instruments they are entitled to (eg financial provisions) in order to achieve the desired objectives</p>		



Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)		
National Level	Objectives	National level	Regional level	Objectives
Friuli VG Regional law 22/1985 Piano regionale della Viabilità (Regional Viability Plan)	The Plan define the viability patterns and identify the measures to adopt in the roads out of the urban areas. Therefore the Plan take into account also the roads under the national level: interventions on roads are so regulated by specific convention between Region and ANAS (Azienda Nazionale Autonoma delle Strade).		The roads not included in the regional viability patters are under planning and programming define by provinces and municipalities.	

Non Public Policies				
Ente S.p.A. (motorway corporation)  ANAS - Azienda Nazionale Autonoma delle Strade (road corporation)  Ferrovie dello Stato (railway corporation)	Autostrade (motorway)	As private corporations they run toll motorways, roads and railways autonomously under the framework establish by national and regional authorities.		Corporate environmental management plans Corporate social and environmental responsibility Certification of environmental management systems and quality systems



## 10. Forestry

Level 2 (Laws of Public Policy)			Level 3 (Instruments for Public Policy Implementation)		
State	Region	Objectives	State	Region	Objectives
Law 57/ 2001 Digs. 227/2001		<ul style="list-style-type: none"> <li>to maintain forests in order to prevent landsliding flood and avalanches, protection against fire and wind</li> <li>Economic valorization is NOT mentioned as a primary objective; it is "tolerated", with the need to respect the absolute constraints posed by other objectives</li> <li>to protect the landscape (conservation of forests seen as a component of environmental policy and soil protection policy</li> <li>maintain biodiversity</li> <li>maintain water flow regimes</li> </ul>		Forestry management plans	<p>Forestry administration permission is required for any anthropic modification of forests<sup>8</sup></p> <p>Regional Forestry management agency,</p> <ul style="list-style-type: none"> <li>responsible for protection and growth of regional forests, protection of mountain environment</li> <li>responsible for projecting and realizing actions for hydrogeologic protection together with Environment authorities</li> </ul> <p>FMP set up requirements for forest resource exploitation; concessions to privates including the respect of regulations</p> <p>Maintain forest biodiversity and naturalty (with higher ranking than wood exploitation)</p>
Non public policies					
	Forest management companies (often public)	Wide diffusion of eco-audit, adoption of "green charters" and voluntary eco-management instruments, certification of environmental quality of wood products			

<sup>8</sup> "La trasformazione del bosco è vietata, fatte salve le autorizzazioni rilasciate dalle Regioni in conformità all'articolo 151 del decreto legislativo 29 ottobre 1999, n. 490, compatibilmente con la conservazione della biodiversità, con la stabilità dei terreni, con il regime delle acque, con la difesa dalle valanghe e dalla caduta dei massi, con la tutela del paesaggio, con l'azione frangivento e di igiene ambientale locale."



## 11. Regional Development of Mountain regions

Level 2 (Laws of Public Policy)		Level 3 (Instruments for Public Policy Implementation)			
State	Region	Objectives	State	Region	Objectives
L. 97/94	E.G. LR 10/1997 FVG	Art. 1 "La <i>salvaguardia</i> e la <i>valorizzazione</i> delle zone montane, ai sensi dell'articolo 44 della Costituzione, rivestono carattere di preminente interesse nazionale". Sono interventi speciali per la montagna le azioni organiche e coordinate dirette allo <i>sviluppo globale della montagna</i> mediante la tutela e la valorizzazione delle qualità ambientali e delle potenzialità endogene proprie dell'habitat montano. Le azioni riguardano i profili: a) <i>territoriale</i> , mediante formule di tutela e di promozione delle risorse ambientali che tengano conto sia del loro valore naturalistico che delle insopprimibili esigenze di vita civile delle popolazioni residenti, con particolare riferimento allo sviluppo del sistema dei trasporti e della viabilità locale; b) <i>economico</i> , per lo sviluppo delle attività economiche presenti sui territori montani da considerare aree depresse; c) <i>sociale</i> , anche mediante la garanzia di adeguati servizi per la collettività; d) <i>culturale</i> e delle tradizioni locali.	Protection of typical trademarks National Fund for Mountain regions Directives for local development plans	DOCUP – Rural development plans "Fondo montagna"	Allocate funds originating from common agricultural policy (Reg. 1257/99) and Cohesion Funds Mountain areas are usually eligible for CF; normally planning documents consider separately mountain zones as targets of specific measures Incentive to promote territorial trademarks in mountain areas in order to valorize local products Financial support to initiatives within the scope of the law, in addition to other general-purpose and special-purpose financial transfers Ensure that environmental conservation receives due attention in local development plans Priority for local actors in the release of licenses for the economic use of local resources (eg hydropower) Adoption of negotiated planning measures aimed at fostering local economic development Maintain and improve traditional ownership and resource management systems Eg in order to compensate commercial premises operating in disadvantaged zones; restructuring of settlements and housing
		Financial provisions, tax exemptions	Financial provisions		



			Patti territoriali	
				<p>Agreements between state (providing financial support and other policy aids: tax exemptions, special benefits, special exemptions from regulation etc), local authorities and private actors for the sake of local development, around an integrated action programme that is "signed" by all relevant parties</p> <p>Eligible areas require certain low values of social and economic development and the search for an integrated sustainable development</p> <p>The case of territorial contract (patti territoriali) in the Provincia autonoma di Trento</p> <ul style="list-style-type: none"><li>-Valle di Cembra</li><li>-Tesino e Vanoi</li><li>-Valle del Chiese</li><li>-Valle di Cembra (territorial contract signed)</li></ul> <ul style="list-style-type: none"><li>-Alpiano di Pinè</li><li>-Monte Bondone</li><li>-Alta Valle di Non (territorial contract not yet signed)</li></ul> <p>Provincial Law 4/1996 Provincial Law 6/1999 Delib. Giunta Prov. 161/2000</p>