

Promoting Sustainability in Rural Development the Role of Land Property: Usi Civici In Sardinia (Italy)

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Abstract

In rural development, compliance with the rule of the market appears to limit the range of land use models that can be implemented at the local level. In the Ogliastra province, of the Italian autonomous region of Sardinia, however, local grassroots practices by landusers displays a more diverse and interesting landscape than might be expected. A myriad of land management practices, including long-standing customary patterns of common use, and varying definitions of land property, persist within seemingly unitary private property regimes. This hybrid situation reflects “legal pluralism,” and a long history of success at balancing local needs and regional policies, and of managing ever-changing national and global economic pressures on local resources.

In Ogliastra, customary common land use practices (usi civici, or civic uses) are widespread and operate to preserve territorial sustainability, enhance public access to natural resources, and protect the livelihoods of local residents. Recent Sardinian, Italian, and European rural development planning has finally begun to acknowledge the value of these customary land use practices, and incorporate them into recent development plans. In Ogliastra, and in Sardinia more widely, this effort has been furthered through the pioneering work of Territorial Laboratories, provincial-level commissions that bring officials and researchers together with local landusers for problem solving on questions of land management in this complex situation.

Introductory notes on Sustainability

Sustainability, which seems a relatively new concept, always included in the national and international economic documents, actually has a long history. When ancient Greeks talked about sustainability, they referred to “justice, order, nature, measure and frugality,”¹ and emphasized the role of justice in ensuring that the goal of sustainability could be reached, since the judicial element is an integral part of the process of ensuring sustainability. In order to ensure the “sustainable use” of a resource, of course, it has to be clear which level of sustainability we are referring to and which legal means we can use in order to make sure that those levels are respected.

The first step, therefore, is to find an agreement on the level of use that preserves a resource for the present and the future generations. However, when we talk about agreements, what comes to our attention are the ones that are made among powerful countries and economic actors in order to decide how to implement market economy and how to spread globalization. The agreements made at grassroots level for the preservation of local resources and of livelihoods seem unable to influence the decisions that are taken in venues such as Breton Woods and, more recently, the G20 and G8. As Noam Chomsky said in a recent interview, there is actually not much agreement among states about how to “go together” towards sustainable development goals, however he points that “there was one point on which they agreed: a sharp recapitalization of the International Monetary Fund; pour a lot of money into the IMF. That’s a

¹ Maria Karamanof, "The Judicial control of Sustainability: The Greek Experience," Paper presented at the United Nations Environment Program Global Judges Conference on Sustainable Development and the Role of Law, Johannesburg, South Africa, August 18-20, 2002. http://www.unep.org/law/Symposium/Judges_symposium.htm.

pretty dubious move. ... the IMF is more or less a branch of the US Treasury, even though it has a European director. Its past role has been extremely destructive.”²

In spite of their destructive role, these are the policies that have been implemented in many different countries. Among the main rules that such institutions implement in order to improve the economies of countries that are in financial crises, one is particularly relevant to this paper: privatization. Moreover, Chomsky in this regard stresses that in the so called developed countries, privatization programs are replaced by nationalization programs, sometimes called “bailouts,” in which public money is used to keep economic activities and public assets in the hands of powerful private economic institutions.”³

These programs affect tremendously the access to resources at the local and regional level, and affect the capacity of local people to make decisions on which kinds of uses of their resources they can implement in order to sustain their livelihood and, at the same time, ensure their resources for future generations. In this context sustainability becomes a policy aimed at finding the best way to deal with the absence of public access to local resources, and to the lack of public control over the management of economic institutions, such as banks and corporations. Sustainability becomes a middle ground in which public interests and private gains try to find suitable solutions.

In rural development, the compliance with the rule of the market economy and with financial institutions seem to limit the land models that can be implemented at the local level. However, the observation of grassroots practices shows a diverse and interesting landscape. A myriad of land management practices are carried on at the local level, and the choices made about the use of territory reflect the ongoing balancing of local needs and regional policies, as well as the local population’s capacity to create a body of rules and regulations able to preserve their territory in its broader sense. The territory is therefore the universe where these practices take place and where people manage to impose counter-hegemonic policies and to adapt to the dynamics of a world in constant change

Learning from the territory: access to resources

The physical characteristics of the territory determine people’s choices in the use of the land and of the natural resources. At the same time, these choices determine the modification of the physical characteristics of the territory. As Doreen Massey has noted, the changes in the spatial are socially constructed and the social is spatially constructed as well. Or, in other words, the physical and social context affect each other in a circular movement.⁴

This is also true when we talk about property: the systems of property that regulate access to land and to natural resources are very much influenced by the physical characteristics of the territory and, furthermore, by the value of the resources that a specific territory can provide, and by the social and political organization of the population that live in that territory.

² Chomsky, Noam. “Crisis and Hope: Theirs and Ours,” Address at the Brecht Forum, Riverside Church, New York City, July 3, 2009. http://www.democracynow.org/2009/7/3/noam_chomsky_on_crisis_and_hope.

³ Chomsky, Noam. “Crisis and Hope.”

⁴ Doreen Massey, *Space, Place and Gender* (Minneapolis: University of Minnesota Press, 1994).

Joseph Singer reminds us that the kind of property existing in different societies are the expression of the power of the different social classes and of their capacity to control access to resources and their use.⁵ These elements, however, are complicated by the fact that property is both a collective and individual right. The laws that regulate property impact society as a whole and the private sphere of the individuals who are part of that society. The property system of each society, especially, determines a fundamental element in any development model: the access to resources. In rural development, moreover, access to resources represents the key element: it determines the activities that can be implemented and defines that role of each individual in the economy of a region and, by extension, in the global sphere.

When we talk about the global economy we cannot avoid reference to the market economy and to one of its fundamental pillars, which impacts property systems tremendously: privatization. From Eastern Europe, to China, to post-apartheid South Africa, to Vietnam,⁶ privatization of rural land represented a revolution in the use of the territory and of crucial resources such as water, below-surface minerals, and forests. In Eastern Europe the agrarian transformations that followed land privatization brought what Sikor defined as the reconfiguration of right-in-practice over common pool resources. Sikor also stressed that the privatization of rural land was often accompanied by the refusal of the legal and social responsibilities that come with ownership.⁷

These remarks remind us of the problems created by the concentration of land in the hands of a small group of private individuals or institutions that, in different parts of the world, have imposed control over land use and over the exploitation of natural resources. The use of natural resources, both private and common, presents elements that can be understood adequately only if we use a specific point of observation: the local one. It is at local level that the impacts of the choices that are made are felt, and it is also at the local level that the interrelations with the global economy are worked out or endured. Different localities constitute a universe that is fluid, characterized by a constant dynamism,⁸ and in which there is, probably, only one common element, and that is its ongoing transformation.

⁵ Joseph W. Singer and Jack M. Beermann. "The Social Origins of Property," *Canadian Journal of Law and Jurisprudence* 6 (1993): 228-271; Joseph W. Singer, *The Edges of the Field* (Boston: Beacon Press, 2000); Joseph W. Singer, *Entitlement* (New Haven: Yale University Press, 2000); Joseph W. Singer, "Property and social relations: from title to entitlement," in *Property Law in the Treshold of the 21st Century*, edited G.E. van Maanen G.E. & C. van der Walt (Antwerp, Netherlands: Maklu, 1996), 70-75.

⁶ For Eastern Europe, see Thomas Sikor and Janet C. Sturgeon, "Postsocialist Property in Asia and Europe - Variations on 'Fuzziness,'" *Conservation and Society* 2 (2004): 1-17, and Katherine Verdery, *The Vanishing Hectare: Property and Value in Postsocialist Transylvania* (Ithaca, New York: Cornell University Press, 2003). For China, see Hongdong Guo, Robert W. Jolly and Jianhua Zhu, "Contract Farming in China: Perspectives of Farm Households and Agribusiness Firms," *Comparative Economic Studies* 49 (2007): 285-312, and D. Tao Yang, "China's land arrangements and rural labor mobility," *China Economic Review* 8 (1997): 101-115. For South Africa, see Ben Cousins, *Issues and Options for Institutional Change for Rural Development, Agriculture, and Land Reform* (Johannesburg, South Africa: Land and Agriculture Policy Centre, 1994). For Vietnam, see Thomas Sikor and Janet C. Sturgeon, "Postsocialist Property in Asia and Europe."

⁷ Sikor and Sturgeon, "Postsocialist Property in Asia and Europe."

⁸ Pietro Nervi, "La gestione patrimoniale dei domini collettivi: Centro studi e documentazione sui demani civici e le proprietà collettive," *Quaderni di Ricerca-Università degli Studi di Trento* (2001): 138-149.

The physical and socio-political environments are in constant evolution, and the judicial systems have difficulties in keeping up with the modifications that occur in the societies that are producing such systems. At this point it is exactly the observation of each locality that offers the key for simplifying an apparently complex picture.

Legal pluralism in Sardinia: the *usi civici*

In the Italian island and officially "autonomous region" of Sardinia, for almost two hundred years local land users have preserved long-standing common property practices, represented in very diverse models in the island's different sub-regions, thus responding to specific geographical and social characteristics and economic needs of particular local regions. These common property practices have adapted in response to changing legal and political landscapes, persisting often in a hybrid mixture with private property systems since the early 19th century, and have been crucial in shaping economic development trends, in promoting social stability in rural communities, and at times in preventing tensions between different potentially competitive land users, such as shepherds and farmers.

In the sub-region of Ogliastra, the common property or common use rules apply to 60% of its territory. The model that defines those rules is called *usi civici*, which in legal terms refers to the customary rights of specific local populations to use rural territory, whether public or private, in order to satisfy their needs. These rights have been exercised by the population in the form of *ademprivi* and *cussorgie*. The concept of *ademprivio*, a term that derives from the Latin word "ad rem privium," indicates having a privilege over a specific thing, and has been applied to the rights of individuals, as part of a community, to use lands according to local customs. Ogliastra's land tenure regimes, within the *usi civici* legal frame, responded to the need of ensuring the local population's access to resources and economic empowerment.

One of the most important characteristics of the *usi civici* is their dynamism: they evolve in time and space. They adapt to the different communities' needs, to diverse geographic conditions, and to varying socio-economic situations. Today, the *usi civici* rights are a heterogeneous system characterized at times by the discordance between the diverse legal models that regulate them and their practices.⁹ Such practices are the result of the changes in the communities' composition and needs. Therefore, to understand the *usi civici* helps us to understand not only the land use pattern: it gives specific information about the genealogy of land as property and, even more, of the society that created and maintained such a system.¹⁰

The diversity of this system presents, however, some common elements, which define the essence of *usi civici*. Specifically, the individual has very limited powers over the kinds of land uses that are allowed. In fact, the rights of each member of the community are regulated in order to meet the rights of the collectivity as a whole. While in private property the legal models are

⁹ Maria Grazia Corradini, "Prospettive Giuridiche per la Valorizzazione delle Terre Civiche in Sardegna," In *Analisi degli aspetti economico-estimativi e giuridici delle terre soggette al diritto di godimento collettivo*, edited by P. Gaio P. & Francesco Nuvoli (Sassari [Sardinia], Italy: CeSET, 2001), 125-129

¹⁰ Francesco Nuvoli, *Pastorizia e Politica Mediterranea: L'Uso della Terra*. Cagliari (Sardinia), Italy: Tema, 2004).

focused on the subject who owns the land, and on his or her rights, the *usi civici* are centered on the land and on the potential uses of it, which have to be preserved in order to ensure their existence and perpetuation, so that it can guarantee the community's survival.

Therefore, in *usi civici* the land is considered an asset that belongs to the community, and entails a set of rights that are both individual and collective. The individual rights, or operational rights, are the rights of the plurality of individuals to access and use the land, but not to change its purpose. The collective rights, or administrative rights, refer to the rights of the collectivity or of its representatives to make decisions over land management issues. These rights can be looked at as subjective and objective. The subjective rights are referred to the institutions that are responsible for the regulation of the land use, and the objective ones refer to the concrete regulations aimed at protecting the territory and promoting environmentally sustainable activities.

In order to understand the factors that contribute to the persistence of *usi civici*, as well as of the systems of land use that are centered on the access to resources and on their preservation, it is useful to analyze the 'economic behavior' of individuals, which in both the classical and neoclassical tradition has been defined as essentially egoistical and aimed at the maximization of individual profit and advantage.¹¹ Several economists reject this restricted notion and the neoliberal theories based on them,¹² which have informed theories such as the Hardin's "tragedy of the commons," and therefore criticize their validity. In fact, the observation of the concrete behavior of individuals in the management of natural resources is far more complex than that. Individuals have to make decisions based not only in the maximization of profit, but also on the different elements that contribute to the development of their activities. In other words, the objective of the "economic subject" is to broaden not only the "function of profit," but even more importantly, the "function of utility."

To comprehend how individual and collective rights operate within the *usi civici* context it is important to go beyond a strictly technical approach to the analysis of natural resource management and be more open towards what it is called the "institutional approach" (*approccio istituzionalista*), which looks at the interconnectedness not only between individual and collective behavior, but also among the different social and economic contexts within which human behavior takes place.¹³

These dimensions are directly related to material resources, such as goods (agricultural products, wood) and services (recreational activities, biogenetic reserves), that are produced by the people who, at the same time, are the beneficiaries of the resources, and to the resources in themselves, including land and all the different potential uses of it. Each of these dimensions has different functions, which vary according to the geographical and social contexts and are the

¹¹Thomas R. Malthus, *An Essay on the Principle of Population* (New York: W.W. Norton, 1976), and David Ricardo, *The Principles of Political Economy and Taxation* (London: J.M. Dent & Sons, Ltd., 1962).

¹²Wayne J. Caldwell, *Farmland Preservation: Land for Future Generations* (Guelph, Ontario: University of Guelph, 2007).

¹³Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (New York: Cambridge University Press, 1992).

central focus of the *usi civici* regulations. These regulations never try to simplify the multidimensionality and multifunctionality of natural resources, but instead to understand them in a dynamic manner.

Such a perspective is fundamental in rural development discourses and broadens their spatial and temporal horizon of action, while preserving the "material bases of the natural and anthropic resources."¹⁴ As Italian scholars have pointed out,¹⁵ the preservation in Italy of the legal models of *proprietà collettiva di diritto pubblico*, that is of the collective property and public rights, has allowed the preservation of large extension of land, which can be a source of wealth for the communities as well as for the regions where these territories are located.

In Sardinia *usi civici* have at present preserved around 400,000 hectares of land for common use, which can represent a great opportunity for the economic and social development of the island. The Sardinian Government acknowledged their capacity to express the multidimensionality of land use models and to adapt to changes in legal and social conditions, and decided two years ago to promote a census of the *usi civici* in Ogliastra, and to incorporate the practice as a key element for rural development strategies.

The latest Sardinian Rural Development Plan for the years 2007–2013 acknowledges the existing diversity of island's property regimes. In 2007, the Sardinian government approved regulations that ensure the preservation of *usi civici* in Ogliastra, enhancing their role in promoting rural development. The European Union executive, or European Commission, has given a strong approval to the Sardinian Rural Development Plan, responding in an affirmative way to the island's advocacy efforts to promote local discourses on land use, and a diverse land tenure model, as central elements in the island's long term rural development strategy.

Scholars have questioned what causes a society to reallocate property rights, and many have stressed that "transitions between property regimes are staples of the economic analysis of property rights."¹⁶ In his "Toward a Theory of Property Rights," Howard Demetz stresses that societies adopt new property regimes when some external shock alters the costs and benefits of an existing regime such that it becomes less efficient than the one that replaces it.¹⁷ However, this explanation seems to bypass the analysis of these external events, and not to position them within an historical perspective, which is fundamental in order to understand the genealogy of the system of laws that regulate property rights, and of the social and political struggles for and against their implementation.

In fact, legal systems have been, historically, a fundamental tool used to try to homogenize a diversity of land use systems that were difficult to control. As Banner specifies, "In the late nineteenth and early twentieth centuries, throughout the Pacific Rim, European and American colonizers reorganized traditional indigenous systems of property rights in land in

¹⁴ Pietro Nervi, "La gestione patrimoniale dei domini collettivi," 138

¹⁵ Maria Grazia Corradini. "Prospettive Giuridiche per la Valorizzazione delle Terre Civiche in Sardegna," 125-129.

¹⁶ Peter Demetz, Prague in Black and Gold: Scenes from the Life of a European City (New York: Hill and Wang, 2000).

¹⁷ Demetz, Prague in Black and Gold.

order to make them look more like European property systems.”¹⁸ The result is that most contemporary legal systems contain parallel and often contradictory regulations of social, economic and political organisation. These are based on different types of legitimation: international law, state law, religious law, customary law and forms of self-regulation. The type of multi-layered, overlapping legal complexity that results is referred to as "legal pluralism".

The notion of legal pluralism provides the framework for the study of a wide range of contemporary social processes, in particular with regard to globalization, transnationalism and the changing role of religious law and the state. There seems to be a widespread consensus that we are witnessing a far-reaching global homogenisation of law, resulting both from international and transnational legal regulation and from transnationally assimilated national legal systems. At the same time, however, parallel and partly contradictory developments are emerging in many global regions. Traditional legal forms are often revitalised, their scope of validity expanded, and their social significance strengthened, as we see in Sardinia.

So-called ‘traditional legal orders’, customary or religious law, play an increasingly prominent role in social life and legal practice. Secondly, tradition is more widely recognised as a valid kind of law by state and international law. Thirdly, customary and religious law are undergoing important substantive changes. Another explanation sees the revitalisation of tradition primarily as a rejection of dominant economic, cultural, and also legal globalisation processes. It is regarded as a conservative and often even fundamentalist return to original values and regulations for social organisation, as a tendency to turn away from the modern or postmodern world to original local identity.

What traditional law is or should be, and what role it should have within complex legal systems, is negotiated in different constellations of actors and in different contexts. As Von Benda-Beckmann et al. explain, “... struggles and negotiations over traditional law and their outcomes in one context—be it state recognition, state court proceedings, negotiations with foreign donor agencies or in the everyday life of people—cannot be generalized and extrapolated to other contexts of interaction.”¹⁹

A Sardinian scholar stressed that the wealth of a country is made by its diversity, and not by the imperialism of globalization over local identities.²⁰ In fact, the resistance of local populations to land management systems imposed by external agendas expresses not only an attempt to preserve the patrimony of a community, but also the diversity of its land use models, which reflect the potential of the territory and the needs of the population.

The first aspect that calls the attention of the sociologist of law regarding “different ways to possess,” that we observed in Sardinia, is the resistance of these different institutions from the assaults of the legislators that, for almost two centuries, tried explicitly to suppress them, transforming the rights of entire populations into illegal acts or, in some cases, even crimes. It promoted the sacralization of the rights of hegemonic minorities and of individuals in the form of

¹⁸ Stuart Banner, "Transition between property regimes," *The Journal of Legal Studies* 31 (2002): 359-60.

¹⁹ Franz von Benda-Beckmann, Keebet von Benda-Beckmann, and Melanie G. Wiber, eds., *Changing properties of property* (New York: Berghahn Books, 2006), 3.

²⁰ Giovanni Lilliu, *Le Ragioni dell'Autonomia* (Cagliari, Italy: Cuccu, 2006).

subjective rights, protected by the law.²¹ Antonio Gramsci, in his discussion of the “Southern Question,”²² had argued that the solution of the Southern peasants’ economic and social problems was not to be found in the division of uncultivated or poorly cultivated land among them, without giving any financial and technical means of making this land profitable for the community. It had to be sought in the “cohesion” between peasants and proletariat, that is to say, between the dispossessed in both rural and urban regions, in the struggle for their collective economic and political advancement.

Complex problems thus do not have always easy solutions, but especially cannot be resolved by only looking narrowly at only one dimension of the broader political problem. Only through a broad analysis can we understand the goals and struggles of ordinary people to ensure not only their own survival and well-being, but also that of future generations yet to come.

Rural development and common property regimes: why property matters

The understanding and acknowledgement of people’s identities is the first step to be taken in any local development project.²³ In fact, Meloni reminds that development plans are not just technical tools, which are the result of the elaboration of socio-economic data, but represent also a broad and comprehensive analysis of the geographical and social elements in which local and regional identities are embedded. The issue of identity is a key one, and it is very much impacted by any political project, such a development plan, which implies the construction or, even more, the re-construction of local collective identities that will influence, and will be influenced greatly by, the plan to be implemented.

Meloni also warns against the tendency to mythify “traditional knowledge” and to adopt the “modernization versus tradition” framework for analysis, since both elements can represent a hindrance to social and economic development.²⁴ One of the “mythifications” that are strictly associated with Sardinian traditional knowledge is the rural lands’ common property system. The management of the “common lands” is generally associated with the image of complete egalitarianism in the access to land and natural resources in general.

In reality, the right to use and access the land of some groups of citizens could easily harm the rights of other groups. In Sardinia access to communal land has raised many conflicts, especially in the areas of the Island with high presence of shepherds. This is why the land use was regulated, until the fifties, by the so called regolamenti comunali (communal regulations and laws). Today most of these regulations are not effective, as some common lands have been appropriated de facto by individuals, often shepherds, and are the object of harsh conflicts at the local level. The abolition of the common lands, in 1835, did not lead to their disappearance, since those lands were often the only source of livelihood for the local populations. However the former laws were not replaced by new regulations, and the result has been a great confusion on

²¹ Michelina Masia, *Il controllo sull’uso della terra: Analisi socio-giuridica sugli usi civici in Sardegna* (Cagliari: Cuec, 1992).

²² Antonio Gramsci, *La Questione Meridionale* (Rome, Italy: Editori Riuniti, 1973).

²³ Benedetto Meloni, *Lo Sviluppo Rurale* (Cagliari [Sardinia], Italy: CUEC, 2006).

²⁴ Benedetto Meloni, *Lo Sviluppo Rurale*.

the rights of access to local common resources, and the profusion of illegal appropriation of common land by private citizens.

A mythified discourse on the “Sardinian traditional practice of the common access to land,” therefore, does not take into account several crucial elements. The past and the current practices of common access to resources, and to land in particular, are the result of a process that has different connotations in the different sub-regions of Sardinia, and are shaped by the interrelations between agriculture and livestock breeding, which in some subregions were complementary to each other and—in the case of Gallura—were both carried out by the nuclear family living in the stazzo, the traditional rural homestead. Moreover, the stress on “traditional practices” is intertwined with another myth, that of “isolation,” which is often accompanied by other labels such as “archaic” and “immovable,” that are used in order to explain the history of Southern Italy (the Meridione), including Sardinia.

The myth of isolation, as well as the myth of tradition, according to Benedetto Meloni, rest on an intellectual and political construction of a supposedly “original society,” that manages to resist to external influences and to defend models that pass fixed and unchanged from one generation to another. These assumptions give a unified and homogeneous image of a territory that is, instead, characterized by very complex geographical and cultural diversity. This “built identity” is, moreover, recently determined, dims territorial diversity, and represents a form of self representation that responds to the need to defend and preserve material and symbolic resources at the local level and to ensure political control over their management at the regional level. This is particularly true in several sub-regions of Sardinia, where a justification of “traditional values” served the interests of some individuals to appropriate public natural resources for personal purposes.

As an alternative to this “constructed traditional identity,” starting in the 1970s a new “paradigm of local development” was developed. This paradigm looks at the territories, and at the historical and recent elements that together form the dynamic flow of the material and cultural dimensions in which their identities are embedded. This is why Meloni talks about plurality of identities, because identity can’t be linked to a singular matrix, or to fixed traditions that define such identity’s characteristics. Identity is the result of a complex sharing of values and sense of belonging, and of the reciprocal interrelations between each individual and his/her context.

Another element that plays a crucial role in the dynamics of identities’ construction is the movement of people in geographical space and the constant formation and diversification of the population. Migration and displacement are the main reasons for the depopulation or the concentration of people in and from places. These movements created and keep creating new and diversified spaces, in which the physical borders might change. However, even within identical geographical borders, at local or regional level, the social space is expanded and the interrelations among the different groups is re-worked and re-negotiated creating new kinds of cultural and economic relationships and sense of identity. In this context, localism, or simply a careful analysis of local dynamics, has a precise role: to allow us to “read” local history and

traditions and their dynamics on one hands, and to understand the formation and impact of the processes of transformation and economic development.

When we talk about economic development at local level, we refer to the material and immaterial productions that are associated to a specific place: as Meloni points out, they define that place, and mark its perceived identity linking that specific place to a particular materiality or immateriality inextricably related to it.²⁵ The key is to understand what development is about: Meloni stresses that development embodies the numerous actions that humans undertake in order to ensure their livelihoods. These actions are different according to the geographical territory's characteristics, the resources available and the socio-political goals to be achieved at local and regional level. Therefore development cannot be just an economic issue: it involves material and immaterial elements that, all together, are implicated in the development process and that are different for the different territories.

Each territory represents a different system or, in other words, territorial system, and this diversity affords what can be called a "comparative advantage," because it makes each place unique and with distinctive peculiarities. Therefore, each territorial system calls for different development models and goals, and the starting point is represented by the building of knowledge through familiarity with each territory and with the material and immaterial resources that need specific approaches and solutions in order to promote their sustainable use.

In order to do this, it is crucial to look at these resources not as an abstract element but as competencies, knowledges, modes of production, and processes that have, or could have, historically been fundamental for ensuring a territory's livelihood. Therefore sustainable use does not look at alternative practices: it looks at the development practices that are already used in each territory and that are different for each area. In other words, the plans and processes that make development goals possible need the support of local knowledge and positionality rooted in each territory's local scale. Why is locality so important? It is because resources are real, and represent an opportunity for development only if recognized as such by the local community. This is also why the issue of identity is also so crucial. Identities are a shared value that makes a group of individuals a community that shares common rules for the use of their resources at local and regional levels.

Ogliastra's *usi civici*: power dynamics and entering into the Euro zone

The *usi civici* have shown great resilience as a form of resistance to the repeated attempts at more encompassing land privatization, and as alternative, and convincing, tools for promoting economic development in the province's rural areas. The "multiplying effect" that this form of local resistance has in other local places regionally, as well as at the national and European scales, also merits close examination.

The entering of Sardinia into the European Community, along with founding member Italy in 1952, and later in 1999 into the Euro common currency zone, positioned Ogliastra's land management practices in a much broader context, more challenging than the local one by itself.

²⁵ Ibid.

European Union rural development policies represented a source of financial support for local peasants, but at the same time offered strong incentives for a more thoroughgoing land privatization, and individualization of land ownership, European Union policies had set individual ownership of all essential land resources as a fundamental requirement in order to be eligible for several new lines of rural development funding.

The institutional response of Sardinia's Government to the need of a bottom-up approach to the Island's rural areas was the *Progettazione Integrata* (Integrated Planning), which started with the creation of the *Laboratori territoriali* (territorial laboratories). These local institutions emerged in 2005, when the Sardinian Government decided to bring the regional government closer to the island's provincial institutions. Each territorial laboratory comprised a pool of three coordinators: provincial, regional, and a technical, therefore, at least one of the coordinators came from the subregion (or province) whose problems had to be addressed, and at least one was external to it.

This creation of the territorial laboratories had the objective of promoting a real understanding of the needs, problems, and issues involved by the implementation of development policies at local level. It also aimed to address the distance between the central government and the local communities. The territorial laboratories engaged a specific problem: the implementation of development policies that are put together without knowing the local dynamics, which are very diverse and require different approaches and different tools in each location.

The end result of their work was a new plan for innovation in land ownership and use, the *Progetto Pilota: Le Terre Civiche—Opportunità di Crescita e di Sviluppo per l'Ogliastra* (Pilot Project: The Territories under *usi civici*—Opportunity of Growth and Development for Ogliastra). It promoted the creation of a Forum among the different communities that live in the territories under *usi civici*, which represents a space of dialogue, and especially an occasion for discussing the uncertainty over the extension of the territory under *usi civici*, and the rights and responsibilities that their management entails. So far the Forum has been successful in highlighting the frequent episodes of illegal use by private citizens of the land under *usi civici*, and the economic and social costs that this represents for the communities they belong to. The journey ahead is long, but the ongoing forums are a sign that something important has changed: the problems that communities and their representatives have to face in transforming the rural land under *usi civici* for economic growth and social development are not any longer just a local problem. Instead, they are part of a common effort that—at the provincial level—is putting together peasants in dialogue with policy makers, and bringing their voices, concerns and suggestions to the Regional Government.

The other two institutions that worked together with the *Laboratorio Ogliastra* were the *Centro Programmazione* (Planning Center) and the *Assessorato alla Programmazione, Bilancio e Assetto del Territorio* (Sardinian Council for Regional Planning), which are the technical and the political agencies that facilitate the Sardinian Government's regional planning. They make sure that funding is available, and that the implementation of the regional and provincial policies

is in harmony with European laws and regulations. The collaboration among the Laboratorio Ogliastra, the Centro Programmazione, and the Assessorato alla Programmazione, Bilancio e Assetto del Territorio has assured that political decisions made by the Sardinian Council for Regional Planning included the suggestions that came from the local territorial laboratories (Laboratori Territoriali), and the technical analysis of the planning center. In other words, decisions flowed as a response to the people speaking with their representatives, in an ongoing effort to ensure that local voices are heard and local policies implemented.

As of today, the political shift in the Sardinian's government's leadership has resulted in the closure of the territorial laboratories, except for Ogliastra's Laboratorio Territoriale, which was, and still is, strongly supported by Pier Luigi Carta, the current President of the Ogliastra provincial government, who has actively participated in the laboratory's work, and deeply understood and shared its goals. Since August 2007, Mr. Carta has transformed the Laboratorio Ogliastra into a Provincial entity, making a change in its governance and establishing it as a local institution, financially supported by the Province of Ogliastra and politically attached to the local government. The laboratory was asked to offer an alternative development path that could transform these weaknesses into strengths, accepting the challenge of using these very same issues in order to learn which problems were priorities for confronting.

The first step that the team of the laboratory took was, therefore, to visit each comune, talk to the community members and to political representatives, and look at the local archives and museums, in order to build a knowledge base that was absent. One of the questions asked during many community meetings was: "Do you see the land under *usi civici* as a hindrance or as an opportunity for promoting the town's development?" The answers to this question, and to the many others, were reported in the *manifestazioni di interesse* (expressions of interest), a form prepared with the collaboration of the representatives of several *comuni* (municipalities) of Ogliastra, and presented to each comune so that they could bring their unique point of view to the problems and opportunities that their territories, with particular attention to the land under *usi civici*, represented for them. The content of the "expressions of interest," which amounted to 14,000 by June 2006, represented the first step of the planning process, which reflected the interests and needs expressed by local communities. Those "expressions of interest" were collected and analyzed by the laboratory team, and brought to the technical and political branches of Sardinian Government's planning agencies, by September 2007. The result of this work was the preparation of development clusters, which were brought back to the attention of the *comuni*, so that the local communities could confront their "expressions of interest" within the development cluster. Laboratorio officials pointed out that this procedure managed to put together not only the ideas resulting from the analysis of the "expression of interest," but also the people whose interests had been expressed.

The next step, following the making and discussing of the clusters, was the organization by the territorial laboratories of twenty six specific projects, called *Progetti Integrati* (integrated projects), divided into two groups: regional and local (or, territorial). The projects were then presented and discussed in a public assembly, held at the provincial level, and followed by

sessions in which it was explained to administrators of comuni how to prepare and analyze a project.

The Progetto Integrato per gli Usi Civici (Integrated Project for the Maintenance of usi civici) is one of the “integrated projects” that arose from this procedure, and it is an outcome of the bottom-up approach and a mirror of concrete effort by communities aimed at maintaining the territory under usi civici and at facing the problems that its management presents, at the local and regional levels.

The Trees of Problems and the search for solutions

The “Tree of Problems,” explained Laboratorio officials, was a fundamental element that each Integrated Project had to include: each of the fourteen thousand forms in which the communities put down their “expressions of interest” included the very specific questions that would allow building the Tree of Problems and the Tree of Objectives (or solutions). The trees were built using the “project cycle management” procedures, fixed by the European Union, while the projects followed by the “EU logical framework” guidelines. The participation in “Integrated Projects” represented for the local administrators an enlightening, new learning experience. They observed that they learned how to implement a bottom-up approach to local development, and how to organize and discuss a plan, and that this knowledge was a precious asset for their communities.

Before describing the tree of problems built by Laboratorio Ogliastro, it would be useful to take a closer look at the territory of this sub-region, with special reference to eight municipalities included in the study. Their choice is due to the certainty about the extension of their territory under usi civici. The knowledge about the rural territory composition is, in fact, fundamental in order to be able to organize an informed planning process and to implement it.

Therefore, while the entire territory of Ogliastro has an extension of 185,788 hectares, the eight municipalities included in the study represent 63.9% of Ogliastro’s territory and have a total of 94,000 hectares (which accounts for half of the territory of the entire Ogliastro Province) under usi civici. However, two of the eight municipalities, Arzana and Gairo, which constitute the remainder of the province’s territory, are still in the process of study and assessment, though it seems apparent that much of the land is under usi civici. Two of the eight analyzed municipalities, Baunei and Villagrande, have an extension of land under usi civici of fifteen thousand hectares, three municipalities have between ten and fifteen thousand (Urzulei, Seui, Ulassai), and the other three, less than ten thousand.

These lands represent a collective good, allowing citizens of the municipalities the use of land according to rules and regulations fixed by local municipal governments. The right of each citizen to use the land derives from the fact that he or she is part of the community and it is, therefore, called a “collective right.” An important activity practiced widely in nearly 30% of the communal territories under usi civici involves forest management, woodland improvement, and pastureland preservation. The technical-administrative management of these lands employs local

labor and aims at sustaining and preserving these lands so that they can guarantee continuing forest economic revenues.

Here is some detailed information on each of the eight municipalities:

Arzana: In the municipality of Arzana the civic uses are in the process of being assessed. The total value that emerges from the partial study is of approximately 13,000 hectares under *usi civici*. Baunei: In the municipality of Baunei the entire territory is under *usi civici*. Gairo: In this municipality, too, *usi civici* are still in the process of assessment. The local government of the town is elaborating its plan for preserving *usi civici*, and fixing the rules under which their use can be modified. Seui: The *usi civici* in the municipality encompass 67% of the rural territory, or 2,500 hectares, that belong to its Forest Department. Talana: As in Seui, *usi civici* in the municipality are present in the majority of rural lands, while the Forest Department is owner of 900 hectares. Ulassai: The majority of its territory, 1575 hectares, even if under *usi civici*, is not used by the population because the land is under military control. Urzulei: This province stands out for not having any of its 2,000 hectares under *usi civici*. Villagrande: In the municipality of Villagrande, 7,000 hectares of territory are under *usi civici*; however, 4,800 hectares are under military control, and entry to local people for agricultural use is forbidden. Loceri: Large portions of its territory are under *usi civici*, with portions being scattered in different localities: 1,618 hectares in Baccu Longu, approximately 62 hectares in Is Murgias, and approximately 60 hectares in Teddì.

Table One displays the result of the work done by the Laboratorio Ogliastra with the communities, reported in the form of “Tree of Problems,” through which it is possible to understand the multiplying effect that each problem has and, therefore, the issues that are at stake at the local and regional level.

Table One: Description of the Tree of the Problems²⁶

Main Problem	Problems of Level 1	Problems of Level 2
Main problem: Inadequate management of the territory under <i>usi civici</i> and presence of conflict and illegal behavior	Problem 1 Insufficient knowledge of the territory's natural resources, and of their economic and social value	Problem 1.1 Insufficient knowledge of the collective domain (under <i>usi civici</i>) from the historical, juridical, economic, sociological, environmental and cultural point of view
		Problem 1.2 Insufficient knowledge of the existing conflicts in the territories under <i>usi civici</i>
		Problem 1.3 Insufficient knowledge of the direct, indirect and concomitant effects of the activities planned in the territory
	Problem 2 Difficulty in determining the value of the collective domain and of the use conflicts existent in the territory	Problem 2.1 Insufficient knowledge of the economic value of the permissions for land use, with particular reference to the potential value of alternative uses
	Problem 3 Difficulty in the management of the collective domain, in the monitoring of activities, and of abuses	Problem 3.1 Insufficient planning of possible uses of the natural resources available
		Problem 3.2 Technical and administrative inadequacy of the local government when dealing with issues linked to the management of the territory under <i>usi civici</i>
		Problem 3.3 Insufficient information and lack of transparency on the status of the territory under <i>usi civici</i>
	Problem 4 Insufficient awareness of the role of the <i>usi civici</i> in rural land management practices, or inadequate competencies; in areas such as planning, program development, management, and business	Problem 4.1 Inadequate competencies of the local government administrators on <i>usi civici</i> and management of the collective domains
		Problem 4.2 Insufficient awareness and information of the economic stakeholders on <i>usi civici</i> and management of the collective domains
		Problem 4.3 Insufficient awareness and information of the population on the problematics linked to the management of <i>usi civici</i>
	Problem 5 Absence of local political and administrative structure for the management of the	Problem 5.1 Absence of specific competencies on how to approach complex problems at local level

²⁶ Regione Autonoma della Sardegna. Piano di Riordino Fondiario Regionale [POR]. (Cagliari [Sardinia], Italy: Assessorato alla Programmazione, 2000-2006), 23-24.

	collective domain	Problem 5.2 Insufficient coordination of the stakeholders and of the actions aimed at the solution of the problems that the management of the public domains entail
	Problem 6 Insufficient cultural and social activities aimed at creating a space for discussing the community's issues, and for addressing the local conflicts over the management of the territories under <i>usi civici</i>	Problem 6.1 Confusion over the problems and strategies to be planned and implemented in the management of the territory under <i>usi civici</i>

As the Integrated Development Plan also indicated among the immaterial resources, the local knowledge of the uses of the territory under *usi civici* represents a valuable patrimony.²⁷ A remarkable range of professional and technical talent has also been involved in completing thorough studies of the issues connected to the management of *usi civici* in Sardinia: scholars from universities, entrepreneurs, and leaders of local institutions and organizations. Particularly important is the knowledge acquired and shared by the peasants who use the lands under *usi civici* and who, in their daily efforts for survival, face the perennial challenges that land management always presents. To ignore such local knowledge would strongly limit the value of any management plan, and its power to successfully mediate between different users and different territories.

Conclusions

The problems that were highlighted by the analysis of Ogliastra's bottom-up land management practices, and especially the tree of problems, are a precious source of information on the current challenges that the use of common land represents. These territories represent a patrimony because they guarantee the common access to resources that belong to the community. Furthermore, they represent a valid alternative to privatization, and are considered a fundamental tool for promoting economic development. In spite of the rhetoric that considers traditional local development models as an asset for European Union member states, however, today's European Rural Development Plans still encourage privatization as key factor for promoting social and economic development. As the mayor of one of Ogliastra's *comuni* stressed at a recent public debate, having title to private ownership of land is one of the essential requirements in order to access EU funding for rural development projects. This contradiction between the diverse property regimes that characterize the Europe's rural landscapes, and the unitary criteria for accessing to resources under the EU's Rural Development funding, needs to be acknowledged and remedied.

The territories under *usi civici* belong to the communities and therefore guarantee the communities' access to their resources, and support their livelihoods. The municipality of

²⁷Regione Autonoma della Sardegna. Piano di Riordino Fondiario Regionale [POR].

Ulassai decided to install wind turbine towers in its territory under *usi civici*, and is therefore an example of one of the many projects that have been currently discussed within the communities of Ogliastra and mentioned by the local populations in their “expressions of interest.” Among the other suggested projects are low-impact touristic activities that draw upon the current interest for excursions into the wilderness, or bike trekking. Other communities stressed the need for a direct involvement of the forestry departments. These suggestions represent an important indication of the communities’ priorities and of their growth in consciousness about the need to preserve the natural attractions of the land, as a natural patrimony and a source of economic wealth. The increased communication among the different communities, thanks to the Forums, is also disseminating more widely the knowledge developed through local experiences, thus increasing the value of the patrimony for this and future generations in Ogliastra as a whole.

Sustainable development starts with the empirical observation of the different localities and of the management practices that are implemented at local level. Von Benda Beckman stressed that it is more important to look at what has been already done and that works, such as land use patterns in rural development, than to use our energy to build economic models that do not necessarily adapt to the geographical and social conditions of the regions that they are supposed to help.²⁸

Sardinian scholar and political activist Emilio Lussu, writing about the problems that accompanied the formation of the autonomous region of Sardinia, observed that such autonomy was born with a logic that was alien to the vocation of the region, and with models taken from other geographical contexts.²⁹ Lussu’s commentary resounds as more important than ever, and reminds us of the need for guaranteeing the population’s livelihoods through the productive use of their territory, starting from the vocation of the land, the needs of the population, and the goal of benefiting both present and future generations.

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²⁸ Von Benda-Beckmann et al., eds., *Changing properties of property*.

²⁹ Emilio Lussu, *La Teoria dell'Insurrezione* (Milano, Italy: Jaka Book, 1976).

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