

ABOUT THIS WORK

This work is part of the Lifescape Project's [Rewilding Law Innovation Lab](#), through which we share practical learning from working with projects on the ground to overcome potential legal barriers or maximise positive legal impact for rewilding. We want other organisations and rewilding practitioners to adapt and reuse it, so the impact of our legal innovation is upscaled. We work to identify opportunities for wider legal and policy reform that could better support rewilding at scale. Our aim is not only to help projects navigate existing systems, but to help shape legal systems better equipped for the environmental challenges of the future.

Rewilding needs law that can keep up – find out about our [Rewilding Law Innovation Lab](#) on our [website](#).



AT A GLANCE

Collaboration in practice. This case study is part of a collaboration between [The Lifescape Project](#), [Rewilding Apennines](#) and [Rewilding Europe](#). It builds on systemic issues identified in various rewilding landscapes and developed in the [Rewilding Law Hub](#) legal guidance notes. It shares practical learnings from work on the ground to understand how existing legal frameworks can support rewilding, where legal barriers remain, and where targeted legal change may be needed.

What's the issue? Rewilding in Italy often depends on public or common land, but the rules governing that land are fragmented across national, regional, and local levels. They were not designed with rewilding, or with non-farming organisations, in mind.

Why does it matter? Where a third-sector organisation cannot fit the categories the rules assume (e.g. where access is run for farmers only), land that could be restored stays locked into a single use. Getting the legal route right early often decides whether a project is feasible at all.

Main lesson. Legal routes into common and public land do exist, but each has to be matched to the land's status and to the local body that controls it, and some of the hardest barriers are local customs and established practices, not law.

THE ISSUE

Rewilding needs land, often at a scale that a single private purchase cannot reach. In Italy, much of the land that matters for rewilding (upland pasture, woodland, abandoned farmland) is publicly owned or held collectively by local communities. The scale is significant, though hard to pin down precisely. The most publicly available agricultural census, from 2020, records such land at roughly 423,000 hectares of used agricultural land and about 1.26 million hectares of total agricultural land. The census excludes forests, which makes up most collectively owned land, so the real total is much higher. Current estimates run to 7-10% of national territory, reaching about a third in some mountain areas, including parts of Abruzzo. In Abruzzo specifically, the concentration of publicly owned or land held collectively by local communities is striking: collective entities or municipalities hold around 58% of the region's agricultural area, above 90% in the province of L'Aquila, and within the Gran Sasso e Monti della Laga National Park roughly 41% of the land is subject to *usi civici*.

These land types carry their own legal regime, and it is a fragmented one: the rules differ between categories of land, between regions, and between municipalities. In addition, centuries-old institutions are layered on top of modern statute. For an organisation trying to secure land for rewilding, that fragmentation is the first obstacle, not because the routes do not exist, but because finding the right one takes work.

The second obstacle is who you are. Much of the law on access to common and public land was written with farmers, foresters, and ranchers in mind. A third-sector organisation, like Rewilding Apennines, does not always fit the categories the rules assume, even where nothing in the law actually excludes it.

For Rewilding Apennines, this is not an abstract legal problem. Its work depends on making ecological and coexistence corridors functional across the Central Apennines, which requires practical routes to manage or influence land beyond protected-area boundaries. Public and collective land can therefore be pivotal: without a lawful and locally acceptable route into that land, ecological connectivity remains a map-based ambition rather than a management reality.

The clearest example we have seen is in Abruzzo. The regional law on *usi civici* does not expressly forbid the use of common land for conservation or restoration, but the mechanism for granting its use is built around productive forest and pasture use, and channels concessions to resident farmers and agricultural businesses. The tilt towards farmers is not only regional: the national law on 'collective domain' itself directs that, when collective land is dedicated, priority should go to young farmers. This is a barrier to an organisation, such as Rewilding Apennines, that is not a registered farmer. Rewilding Apennines has encountered this on the ground as even a local mayor's wish to allocate land for rewilding has not been sufficient to override this barrier. The effect is that land which could be restored stays locked into a single use, and municipalities lose both the income and the ecological gains an alternative manager could bring.

This note grew out of practice. Whilst preparing our Italian legal guidance notes with Rewilding Apennines, we kept meeting the same obstacle: connecting habitats across the Central Apennines requires more than ecological ambition. It requires lawful, workable routes to access and manage land, including land held in common by municipalities. Yet, the available routes were often hard to identify, locally specific, and designed around traditional agricultural, forestry, or pastoral uses rather than non-profit rewilding organisations.

The Lifescape Project's role was to turn that practical blockage into a legal question that could be tested: what routes, if any, allow a non-profit rewilding organisation to access or co-manage common or public land in Italy, and where does the law still need to change? We commissioned a legal analysis of the routes potentially open to a non-profit organisation, with the aim of identifying whether one could be tested in a real municipality. That work showed how demanding this terrain is in practice, and why a clear map of possible routes, limits, and unresolved questions is valuable.

This note identifies the routes that appear open, the limits on each, and the questions that remain, so that other organisations facing similar barriers can start from a stronger position, and so the conversation about what needs to change can begin.

Key Terms and Why They Matter

KEY TERM	DETAIL	WHY IT MATTERS FOR REWILDING
Usi Civici	These are collective rights that a local community holds over land. They may include the right to graze animals, cut wood, gather mushrooms, and the like. Historically, they are the basis of rural subsistence and now read as serving an environmental and general interest as much as a local economic one. They can attach to land the community owns (demanio civico), or to private land burdened with the rights.	The modern <i>usi civici</i> law treats this land as a tool for conserving the national natural heritage, which gives a rewilding organisation a genuine argument that restoration fits the land's purpose and gives the managing body a reason to allow it.
Domini Collettivi (collective domain)	The current framework recognises genuine community ownership of collective land, with its own legal personality and autonomy. Unlike <i>usi civici</i> , which are rights of use, <i>domini collettivi</i> denote ownership held by the community itself. Ownership is not based on ownership of title but based on long-standing customs.	It gives the community's managing body clear standing to enter agreements and frames the land as a primary instrument for conserving the national natural heritage.
Beni Collettivi (collective assets)	These are understood to include collective land either owned, originally, by the inhabitants of a municipality but then attributed to or owned by collective entities; or belonging to families descended from the ancient original inhabitants of a place; land after the liquidation of <i>usi civici</i> rights and any other rights of mixed enjoyment exercised on lands of public and private entities; land owned by public entities encumbered by <i>usi civici</i> not yet liquidated; and land owned by private entities encumbered by <i>usi civici</i> not yet liquidated. <i>Beni collettivi</i> are inalienable, indivisible, not acquirable by long possession, and require a perpetual agro-silvo-pastoral system.	The perpetual agro-silvo-pastoral system is the central blocker. A rewilding use has to be framed to be compatible with it, which could mean grazing, woodland and pasture management read broadly, rather than as a move away from it.
Demanio Pubblico (public domain)	This is property belonging to the State which is inalienable and must stay open to the public but can be exploited / managed by other entities only through an administrative concession, usually awarded by tender (e.g. beaches and seashores, harbours, rivers, streams, lakes, roads, aqueducts, areas of historical, archaeological, and artistic interest, among others).	Public domain is better protected from development over the long-term, but harder to access, and not possible to own. This type of land could only be a fit where a project can ensure public access.
Patrimonio Disponibile / Indisponibile (available / unavailable public assets)	These are available assets which are not actively used for public service and are subject to the same rules as private land regarding use / transfer of ownership. They may be subject to private law contracts such as leases, loans for use, or trust agreements. Access can be granted under the same conditions as private land. In turn, unavailable assets serve public purposes or provide public services. They may include forests, mines, quarries, peat bogs, and areas of historical, archaeological, paleontological and artistic interest that do not constitute <i>demanio pubblico</i> . It is possible to acquire ownership of unavailable land, but public access and use must be granted.	Available land is usually the simplest public land to secure, whilst unavailable land requires checking that any public service or access fits the project.
The managing bodies: comune, università agraria, ASBUC/ADUC	Collective land is not run by the state but by the community's own body: the municipality (<i>comune</i>), often through a <i>usi civici</i> office; a historic agrarian association (<i>università agraria</i>) that owns and manages land in its own right, or a separate hamlet-level administration of <i>usi civici</i> goods – separate administration of <i>usi civici</i> goods or ADUC – administration of collective domain). An ASBUC is run by a committee of five members elected from the hamlet's residents, with the mayor supervising and the province and region involved in oversight. It is most common in the province of L'Aquila. In Abruzzo, a regional <i>usi civici</i> entity also plans and coordinates activity and assesses proposals, including from associations	The chosen route – an agreement or a concession – runs through whichever body holds the land, so identifying it is the first move.

Identify what land you are dealing with

The route which may apply depends almost entirely on the land's legal status, so that is the first thing to establish. Two main distinctions matter here:

- **Public land** splits into the *demanio pubblico* and the *patrimonio* of public bodies (*disponibile* or *indisponibile*).
- **Common land** – *usi civici*, *domini collettivi*, and *beni collettivi*, together “collective property”, which sits in a third category between public and private, managed by community bodies.

Private law tools for securing land – ownership, leases, easements, rights of use, and destination deeds – are covered in our companion note [Rewilding in Italy: Obtaining Land and Legal Protections for Wild Land](#), which also introduces *usi civici* among the routes to securing land for rewilding.

Solutions that may apply

Common land: the collective property route

Collective property is governed mainly by the law on *usi civici* and the law on *domini collettivi*. This latter matters for rewilding because it reframes collective land as more than a local economic resource: it treats these goods as primary instruments for conserving the national natural heritage and as stable parts of the environmental system.

That gives an organisation a basis for presenting nature restoration as consistent with the purpose of the land and gives the body that manages the land a reason to allow it. Italy's Constitutional Court has repeatedly tied collective land to environmental and landscape conservation, which strengthens that argument.

Going further, the Italian Constitution was amended in 2022 to protect the environment, biodiversity, and ecosystems, including in the interest of future generations.

THE REAL LIFE EXAMPLE OF BOSCO DELLA SELVA

Rewilding Apennines' work with the Università Agraria di Castel Madama shows that collective and agrarian institutions can be practical partners for rewilding where the managing body is willing to collaborate.

The collaboration began with a 2022 memorandum of understanding for the rewilding-oriented co-management of 360 ha at Bosco della Selva and has since developed into a longer-term agreement. The example does not answer every legal question raised by Abruzzo's *usi civici* concession regime, but it is an important proof of concept: where the managing body is willing, rewilding can be framed as compatible with the protection of the common good, local benefit, and the long-term conservation of the landscape.

The same law also sets the main constraint on how the land can be used. Collective land is inalienable, indivisible, cannot be acquired by long possession, and requires a perpetual agro-silvo-pastoral system.

Two consequences follow for rewilding:

- You generally cannot buy collective land. The realistic goal is to secure its use or management, not ownership.
- The land must be used for agro-silvo-pastoral purposes, so a rewilding use has to be presented as compatible with that purpose (e.g. grazing, woodland and pasture management read broadly) rather than as a move away from it. Where a genuine change of use is needed, that requires regional authorisation, and only for the forest and pasture category of land.

In practice, access to collective land runs through the body that manages it, usually the municipality, an agrarian association (*università agraria*), or a separate administration of civic goods (ASBUC), with powers set by regional law. The collective route is achieved via an agreement or a concession with that body, not a purchase.



Public land: concessions

For *demanio pubblico*, ownership cannot transfer. Instead, an administrative concession can be granted by the competent authority, usually by tender, with public access preserved.

The trade-off is real: public land is better protected from development over time, but it is harder to access and more tightly regulated.

For available public land (*patrimonio disponibile*), access to the land works much like private land (e.g. under a lease agreement). For unavailable public land (*patrimonio indisponibile*), practitioners should check first whether a public access or public service condition applies.

Routes built for third-sector organisations

This is where an organisation that is not a farmer has the most opportunity for success:

- **Third-sector entities can take part in public tenders.** The current [Public Procurement Code](#) is built on principles of maximum participation and limited grounds for exclusion, and a non-profit cannot be shut out of a tender simply for being non-profit. Where access is by a general public tender, a third-sector organisation can in principle compete. In Abruzzo access to common land runs through the *usi civici* regime, which is geared to resident farmers, and this obstacle is not something the general procurement rules alone may resolve.
- **Beyond tendering, the Public Procurement Code offers cooperative routes that do not depend on winning a competition.** An innovation partnership lets an authority work with operators to develop solutions not yet in the market. This may be a plausible fit for a new management model like rewilding, and a shared administration arrangement lets a public body collaborate with a third-sector entity for an environmental purpose without a market style exchange. These are promising and, as far as we know, untested for rewilding.

Other mechanisms (in brief)

A few further routes are worth knowing about, although we have not worked them through in detail:

- **Forestry.** Under the Forestry Consolidated Act (often abbreviated as TUFF), regions set rules for granting the management of public forest land to operators, which a rewilding organisation could use. The Act's "active management" framing leans toward a productive use, so the conservation case has to be made explicitly. Regional rules can help here: in Abruzzo, for instance, the regional and local authorities are directed to promote forestry consortia and other associative or contractual arrangements among owners of forests and pastures, forestry enterprises and farmers. This is a structure a rewilding entity could in principle join or build on.
- **Collective and third-sector bodies:**
 - **Agrarian associations (Università Agrarie).** Associations for the protection of land, set up to guarantee the conservation, improvement, and collective use of land assets and *usi civici*, and rooted in long traditions of participatory, collective management recognised by law. The *usi civici* land they manage must stay open to all residents of the municipality or hamlet, but the land they own or control could itself be put to restoration, which makes them a potential partner or host for a rewilding project.
 - **Associations for social promotion (APS).** Third-sector, non-profit entities whose purpose is to promote initiatives of social utility, set up by deed and articles of association on democratic lines and barred from distributing profits. Their activities are compatible with all intended land uses and can include environmental work on a non-profit basis, so an APS is one legal form a rewilding organisation could itself take, or partner with.

- **Agricultural and social cooperatives.** Collective enterprises protected by the Civil Code and special laws. Agricultural cooperatives work in rural development and the sustainability of agricultural land and can draw on public subsidies, though they keep an entrepreneurial dimension. Social cooperatives pursue social inclusion and work integration for disadvantaged people. For rewilding, a cooperative – an agricultural one in particular – can be the vehicle that holds or manages land and may help meet a farmer-registration requirement that would otherwise shut a third-sector body out.
- **Local management committees.** De facto bodies set up for a specific aim such as community works or local initiatives. They need no capital and can be formed on the organisers' initiative alone, but they have no legal personality, and the organisers are personally liable for what they undertake; a light-touch option with real legal limits.
- **Public-private partnership (PPP).** A long-term partnership with a public body is an alternative to a straight tender for managing land or services of public interest. Under a PPP, the private partner finances and runs the project and carries the operational risk, whilst the public body sets the objectives and checks delivery. It is meant to draw in private investment and innovation, which a long-horizon management model like rewilding could fit.

WHAT PRACTITIONERS SHOULD CONSIDER

Consideration of some practical points will help to decide whether any of these routes will work in a given case. Local advice should also be sought.

- **Establish the land's status and managing body before anything else.** The available route follows the status, so until practitioners know which category the land falls into and who controls it, one cannot choose a mechanism.
- **Check what already sits on the land** (existing grazing or forestry rights, management plans, protected-area obligations) since these can shape or constrain any concession.
- **Find out whether access runs by tender, and on what criteria.** A farmer-only or sector-specific criterion, like the one in Abruzzo, can exclude a third-sector organisation even where the underlying law would not.
- **Engage the managing body and existing users early.** Restoration that displaces established grazing can meet resistance; a plan built with local users, around shared benefit, has a better chance than one that is imposed on them.

There is, as far as we know, no tested case establishing that a restoration-led use, by a non-farming third-sector organisation, must be accepted as compatible with the agro-silvo-pastoral destination or as meeting the criteria for a concession under a farmer-oriented regime. The Bosco della Selva example is an important proof of concept where the managing body was willing to collaborate, but it does not by itself resolve the harder question of access where the applicable regime or local practice prioritises resident farmers. The Constitutional Court has repeatedly linked collective land to environmental conservation, but until a managing body grants access on that basis, or a court confirms it for a non-productive use, the argument remains untested.

Avoiding conflict with the community

Securing a legal way to get access is only part of the task. Collective land is bound up with local livelihoods and identity. How a project is introduced matters as much as whether it complies with the law. Conflict is not inevitable, but it is worth anticipating, and it tends to arise in four ways.

1. **Resource use.** Collective land usually sits within a long-standing system of shared management, and a restoration project that changes the balance, whether woodland recovery that limits grazing or restrictions on cutting wood, can cut across uses the community relies on.
2. **Livelihoods.** Where families depend on the land for income, a project that shifts patterns of use without delivering a clear local benefit can meet resistance.
3. **Culture and identity.** Common land carries practices and traditions handed down over generations. It is never only an economic or legal asset, and proposals that overlook that tend to founder.
4. **Status and administration.** Disputes can arise over the legal status of the land or over who may manage it. It can be that a park allows grazing but, as a matter of policy rather than law, declines to let a non-farming organisation take part.

Lowering the risk of failure comes down to how the project is introduced: a legally possible route is unlikely to succeed unless it is also socially workable.

In practice that means:

- **Treat the community as an active partner**, not as a passive recipient. Consult early, keep people involved through planning and delivery, and build the project around shared benefit.
- **Be open about the aims**. Explain what restoration can bring, so cooperation rests on understanding rather than suspicion.
- **Work with existing uses, not against them**. Favour practices that serve both the community and the land instead of displacing established uses.
- **Stay within the land's purpose**. A recent Court ruling stressed that any change in the use of *usi civici* land must remain compatible with its original purpose of meeting local needs and protecting the landscape.

Keep an open mind. Every community is different, and what works in one place may be replicable in another.



Bruno D'Amicis/Rewilding Europe

Unresolved questions

Beyond the practical points, several legal questions remain open. They are the reason this note is also an invitation to start a conversation about change.

- **Does the environmental framing in the law on the public domain (domini collettivi) create an enforceable route, or only an aspiration?** It gives an organisation a strong argument that restoration fits the purpose of collective land, but nothing compels a managing body to accept it.
- **Is a farmer-oriented access regime open to challenge?** In Abruzzo, access to common land is channelled to resident farmers through the concession regime under *usi civici*, and the national law adds a priority for young farmers when collective land is allocated. Whether a non-farming organisation could challenge that is an open question. It is also harder than it looks because the farmer-oriented approach is built into the law itself, not only into general tendering rules.
- **How much does the answer change between regions?** Law on *usi civici* is administered regionally, layered on the national framework, so a route that works in one region may not in another. There is no single Italian template, and a more universal regime could bring clarity and facilitate cross region actions (e.g. wildlife corridors).
- **Can an organisation from outside the local community join the body that manages the land?** In other jurisdictions, an outsider can, under conditions, join the assembly that manages community common land. In Italy, whether that is possible is unclear. If it were a possibility, it would let an organisation take part in management from inside.

The few real examples we have of success in this area demonstrate how much more work is still required even if management agreements are reached. In Gran Sasso e Monti della Laga National Park, for the example, the Arischia collective domain, which owns around 1800 hectares inside the park, signed a management agreement with the park authority and the State forest service in 2000, but the study documenting it reports that the arrangement largely stayed on paper, amounting to little more than case-by-case approvals rather than genuine co-management. It shows both that a collective body can formally take on a role in a protected area and how hard such arrangements are to make real.

The most impactful change will follow from solutions to these issues: explicit recognition of restoration as a permitted use of collective land, and access criteria that do not shut out non-farming third-sector organisations. There is also a timely policy opening. Under the EU Nature Restoration Regulation (Regulation (EU) 2024/1991), Italy must submit a National Restoration Plan to the European Commission by 1 September 2026. It is being drafted by the environment and agriculture ministries with ISPRA's scientific support and is currently under public consultation. Much common land is exactly the kind of semi-natural forest and pasture that restoration will need, which makes resolving how non-profits can access and manage it all the more timely.

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FIND OUT MORE



www.lifescapeproject.org



www.rewildingeurope.com



www.rewilding-apennines.com

GET IN TOUCH IF YOU FIND SIMILAR ISSUES

If you are working with large herbivores and rewilding or you are running into the same obstacles in your jurisdiction, the Lifescape Project would like to hear from you. We're glad to share what we've learned and to learn from your experience. Get in touch at stephanie.smith@lifescapeproject.org (Managing Lawyer- Rewilding Law) or catarina.prata@lifescapeproject.org (Senior Rewilding Lawyer)

