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Conoscenza, conservazione e valorizzazione
del patrimonio architettonico
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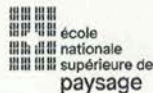
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Expériences, recherches, perspectives à 40 ans des Chartes de Florence
Colloque International (Florence, 25-26 novembre 2021)

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HISTORICAL GARDENS
Experiences, research, prospects, 40 years after the Florence Charters
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The appropriate legal and administrative measures: The Florence Charters and legislation governing the identification, listing and protection of historic gardens in Palermo, Sicily

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Abstract

40 years ago, the ICOMOS-IFLA and Italian Florence Charters canonized historic gardens as cultural heritage. However, neither document has legal force, so they are only influential if voluntarily accepted and translated into legal or administrative measures. This paper uses the city of Palermo, (Sicily) to compare the policy recommendations made in the Florence Charters to the international, Italian, regional and municipal policy that effectively governs historic gardens. Because of its autonomous privileges, Sicily governs its heritage differently than the rest of Italy, and in many ways this independence exacerbates problems in historic garden conservation and management. The Covid-19 pandemic has further accentuated these problems, but has also increased the importance of these sites to the public. By looking at the Florence Charters within a wider chain of governance, this paper aims to provide insight on how the Charters could guide more effective policy downstream.

Keywords

Political economy of heritage, Urban planning, Landscape governance, Policy instruments, Palermo, Sicily.

1. Introduction

The 1981 ICOMOS-IFLA Florence Charter was the first international policy document to directly address historic gardens and led the way in considering landscapes as cultural heritage.¹ This paper reviews the policy recommendations made in the ICOMOS-IFLA and Italian Florence Charters, and compares them to the legislative and administrative measures affecting historic gardens at different governance levels. Sicily and Palermo are used as case studies because they exemplify governance problems common to many historic gardens. The global COVID-19 pandemic has put further pressure on these sites, but has also increased their public value. Indeed, the Plan for National Recovery and Resilience (PNRR) specifically includes the protection and promotion of historic gardens among its objectives.² By taking stock of the legal and administrative measures impacting historic gardens, this paper aims to show where kinks in the governance chain exist and suggest how the Florence Charters can better influence policy.

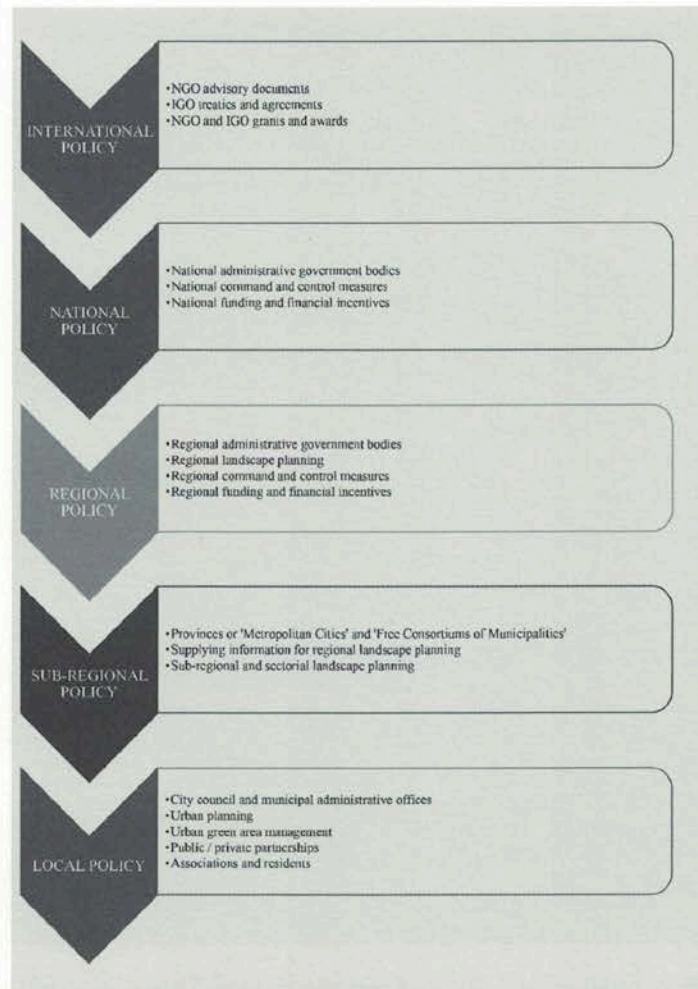


Fig. 1
The Governance Chain.

2. The Governance Chain – from International to Local

The Florence Charters (Table 1) are nonbinding policy documents adopted by a non-governmental organization (NGO). Such documents have no legal force, rather they are written and approved by experts to serve an advisory function.³ Nevertheless, by codifying terms, deontology, and best practices then adopted by authorities, they may have socially normative effects. These binding measures are issued by different levels of government, defined by their geographic scale and by whom they hold accountable. Thus, governance can be viewed like a supply-chain, with each level delivering policy to the one below (Figure 1).

The international level involves intergovernmental organizations (IGOs), which have the authority to emanate treaties between sovereign states. While the World Heritage List, a product of the United Nations Educational, Scientific and Cultural Organization (UNESCO)'s 1972 World Heritage Convention, is mentioned in the Florence Charter, other important IGO treaties have been written since. The most important is the Council of Europe's Landscape Convention,⁴ which standardizes landscape governance definitions, focuses on guiding dynamic processes towards sustainability and encourages participatory rather than expert decision-making.

The next governance level is national. In Italian law, the Cultural and Landscape Heritage Code (Law n. 42/2004 and modifications) explicitly protects historic gardens as both cultural and landscape heritage. It defines procedures for the verification and declaration of cultural significance, spec-

	ICOMOS/IFLA Florence Charter	Italian Florence Charter
Authors	Interdisciplinary group of experts in the International Committee for Historic Gardens	Italian experts from the Italian ICOMOS branch present at a round table discussion
Date written	21/05/1981	12/09/1981
Date adopted	15/12/1982	-
Structure	Preamble; Definitions and Objectives (art. 1-9); Maintenance, Conservation, Restoration and Reconstruction (art. 10 - 17); Use (art. 18 - 22); Legal and Administrative Protection (art. 23 - 25); Nota bene	Principles of Conservation (nn. 1-4); Recommendations (nn. 1-11)
Definition of "historic garden"	<ul style="list-style-type: none"> An architectural and horticultural composition of interest to the public from a historical or artistic point of view (art. 1) An architectural composition whose constituents are primarily vegetal and therefore living (art. 2) 	<ul style="list-style-type: none"> Includes house, palace and villa gardens; parks; botanical gardens; archaeological areas; green spaces in historic urban centers, etc. (prin. 1) A multi-material ensemble, designed by man, made in great part with living material, which insists on (and modifies) an anthropic area, a natural context (prin. 1) A material artifact, a work of art and, as such, cultural heritage, an architectural and environmental resource, and patrimony belonging to the entire community that benefits from it (prin. 1)
Policy recommendations	<ul style="list-style-type: none"> Authorities must adopt legal and administrative measures for their identification, listing and protection (art. 23) Land-use, regional and local planning documents must provide for their preservation (art. 23) Authorities must adopt financial measures that will facilitate the maintenance, conservation and, where necessary, the reconstruction of historic gardens (art. 23) The most outstanding of the historic gardens shall be proposed for inclusion in the World Heritage List (art. 25) 	<ul style="list-style-type: none"> Extension of tax concessions for historic architecture to tree specimens (rec. 1) Exclusion of public gardens in historic centers from urban planning standards (rec. 2) Cultural heritage law should be reformed so that [historic gardens] are recognized as worthy of protection by Regulatory Plans, even if not yet protected as listed heritage (rec. 3) Establishment of a special office within the Ministry of Culture and the Environment to oversee their identification and cataloging, and to document and coordinate all protection and planning operations in collaboration with Universities and other Entities (rec. 4) To require a specific expense item for the maintenance of historic gardens in the budgets of the national and local governments (rec. 5) To require a garden expert be part of all urban and territorial planning commissions (rec. 8) To establish a public registry of historic gardens (rec. 11)

Table 1
The International and Italian Florence Charters and their Policy Recommendations.

ifies and strengthens requirements for landscape planning, and gives Regional Landscape Plans precedence above other planning measures.⁵ However, many Regions have had problems producing the required plan.⁶ National government also directs internally or externally sourced financial resources or incentives such as EU and PNRR funding.

Next comes regional governance, i.e. Sicily. Because the Island has special autonomous privileges, its cultural heritage and landscape administration is enforced by the Sicilian Regional Office for Culture, which has "exclusive competence" to create policy, oversee Superintendent Boards, and allocate funding⁷ and thus no obligation to communicate its catalogued historic parks and gardens⁸ to the National Cultural Ministry's General Catalogue⁹ or to follow the Heritage Code's procedure for Regional Landscape Plans. Instead, Sicily has its own Territorial Landscape Plan, which fragments the island into 18 geomorphologically determined areas, each with its own conventions and state of approval.¹⁰ The Guidelines for this Territorial Landscape Plan were drafted in 1996,¹¹ and thus are based on obsolete national laws. Better landscape planning is direly needed in Sicily; the peri-urban and coastal areas most at risk¹² are exactly where many historic gardens are located. Instead of improving matters, the Region's latest landscape planning reforms have proposed alarming divergencies and loopholes, causing them to be rejected by the national government.¹³ In the past, the Provinces governed at the sub-regional level, and were responsible for intercity services and infrastructure. However, Regional Laws n. 7/2013 and n. 8/2014 complicated matters by substituting them with 'Metropolitan Cities' and 'Free Consortiums of Municipalities', whose role still remains unclear.

	Progress	Shortfalls
International	<ul style="list-style-type: none"> The Florence Charter is well known, especially in Europe, and has impacted binding and non-binding policy at various levels Many UNESCO World Heritage Sites are gardens or contain gardens The CoE Landscape Convention establishes important landscape definitions and practices 	<ul style="list-style-type: none"> The Florence Charter has been applied differently throughout the world; the Italian Charter is not well-known UNESCO doesn't always promote World Heritage gardens, e.g. gardens in Palermo's Arab Norman World Heritage Site The CoE Landscape Convention has proven difficult to enforce and put into practice
National (Italy)	<ul style="list-style-type: none"> The 2004 Cultural and Landscape Heritage Code establishes measures to identify, list, protect, and plan for historic gardens 2021 PNRR directly addresses historic gardens and will provide 0.3 billion euro for visibility sites, peri-urban areas, parks and historic gardens to improve their maintenance, management and fruition 	<ul style="list-style-type: none"> The quality and comprehensiveness of heritage lists may vary from Region to Region and Landscape Plans are still not produced by many Regions Governing authorities may lack the necessary data, knowledge and skills to distribute the 2021 PNRR funds effectively
Regional (Sicily)	<ul style="list-style-type: none"> 32 historic parks and gardens are listed in the Regional Heritage Catalogue, mostly thanks to 2000-2006 European Union structural funds Some sub-regional (area) and sectorial land planning documents have been developed 	<ul style="list-style-type: none"> The 32 catalogued Sicilian Heritage sites don't represent the whole territory, and have not been updated since 2007 The Regional Catalogue Office does not coordinate with the National Ministry of Culture to insert its heritage in the National Register, where currently no Sicilian gardens are present Sicily's Territorial Landscape Plans are based on obsolete national laws, only use restrictive command and control measures rather than strategic projects and financial incentives, and are uncomplete and uncoordinated; recent reforms have been rejected as unconstitutional
Sub-regional (Provinces, etc.)	<ul style="list-style-type: none"> Provinces were responsible for communicating information to the Regional Superintendent Boards and for the "Coordinating Territorial Plan" regarding intercity services and infrastructure 	<ul style="list-style-type: none"> The abolition of the Provinces has thrown sub-regional landscape planning into chaos
Local (Palermo)	<ul style="list-style-type: none"> Palermo's 2002/2004 General Regulatory Plan contains a comprehensive list of protected historic parks and gardens The Plan addresses appropriate use The management of historic gardens is addressed in the <i>Regulations for public and private green areas of the city of Palermo</i> (City Council Deliberation 355/2008), which favors involvement of non-profit associations in green space management and proposes a "Green Atlas" containing maps and planning information necessary to manage Palermo's parks and gardens. 	<ul style="list-style-type: none"> Many of the publicly owned gardens on the list are abandoned and closed Allowed uses for "Historic Green Areas" are mainly horticultural and don't support visitor services; they may be seen as suffocating and punitive by owners Although originally comprehensive and well written, the 2008 Regulations are now outdated and the Municipality currently lacks the resources to carry them out satisfactorily The associations allowed to take over management responsibilities are not vetted for qualifications or supported No such "Green Atlas" is in use by the public administration.

Table 2
Evaluation of Governance at different Levels.

The last link in the governance chain is the municipal level, which uses policy instruments defined by Italian Urban Planning Law n. 1150/1942, and successive modifications.¹⁴ Its main instrument is the General Municipal Regulatory Plan, which analyzes and regulates land-use. Regional law n.15/1991 and n.9/1993 require Sicilian municipalities to adopt and approve a municipal plan, which must be then approved by the Regional Land and Environment Office. However, it often takes municipalities over a decade to issue an updated plan due to insufficient resources and building rights disputes.¹⁵ Palermo's current plan was approved in 2002 and revised in 2004. It protects historic gardens under the zoning classification "Historic Green Spaces", which also includes urban parks, urban greenery and agricultural areas.¹⁶ A total of 291 Historic Green Spaces are listed, 86 of which are historic parks or gardens.¹⁷ The municipal plan's implementation norms govern how these spaces can be used, permitting touristic, agricultural and horticultural activities that don't change the original layout or materials.¹⁸ Palermo's municipal government also emanates other deliberations and acts¹⁹ that regulate how historic gardens are managed day-to-day, but these have been irregularly applied.

While the general policy recommendations made in the ICOMOS-IFLA Florence Charter are addressed at the national level by the Heritage Code, they aren't addressed at all by Regional government, which hasn't been able to take advantage of Sicily's special autonomy to list, plan, or finance its historic gardens. Palermo's municipal government has done a better job in listing and including historic gardens in planning documents, but has also fallen short in adopting the financial measures necessary to assure their upkeep. Thus, gardens are 'preserved' in a state of decay, but not real-

1981 Florence Charter Recommendations	Policy Recommendations for the Future
Authorities must adopt legal and administrative measures for [historic garden] identification, listing and protection (art. 23)	NGOs and IGOs should name historic gardens in cultural heritage policy documents as a special category of designed cultural landscape heritage with important connections to identity, wellbeing and sustainability
	The Italian Ministry of Culture should increase the number of historic parks and gardens in their Heritage Catalogue and continue to develop it as both as a reference and outreach tool. The Ministry of Agriculture, Food and Forestry's Register of Monumental Trees should be cited in historic park and garden entries
	The Sicilian Heritage Catalogue Office must give the Ministry of Culture the necessary documents to include their catalogue entries in the national General Heritage Catalogue. New sites should be added, using municipal historic green space lists, expert consultations and participatory processes to prioritize which sites to catalogue. The list should represent gardens distributed throughout the island. There should be done to facilitate use of the Regional Catalogue as a reference and promotional tool
	An updated version of Palermo's Green Area Regulations should be issued, along with the "Green Atlas". Citizens, associations, and institutions should be involved in maintaining it. Individuals or Associations involved in the management of public historic parks and gardens should have clearly defined responsibilities and appropriate qualifications and a special effort should be made to involve students and landscape professionals
Land-use, regional and local planning documents must provide for [historic garden] preservation (art. 23)	NGOs and IGOs should continue to consider historic gardens in planning guidelines. The CoE Landscape Convention and Guidelines should continue to be promoted, along with its associated professional and educational networks
	Landscape planning education should be offered and promoted in Italian Universities so that the necessary human resources are available to draft landscape plans and enact participatory processes. Regions should be supported in fulfilling the 2004 Heritage Code's landscape planning requirements
	The Sicilian Regional Office for Culture should adopt landscape planning guidelines that follow national law (i.e. the 2004 Heritage Code). Government offices responsible for cultural heritage and landscape planning need to include historic garden experts and to communicate and coordinate effectively
Authorities must adopt financial measures that will facilitate the maintenance, conservation and, where necessary, the reconstruction of historic gardens (art. 23)	Palermo's new General Regulatory Plan should continue to list and protect Historic Green Areas, updating the 2004 list. Allowed uses should include visitor services.
	The European Union should allocate funding for historic gardens, promoting them as important elements of European identity. Traditional horticultural skills and garden curatorship should also be promoted
	2021 PNRR and other funding meant for historic gardens should be distributed based on equity, efficiency, and project sustainability. Investments should be monitored and evaluated through management planning and cost-benefit analysis. Educational institutions should form historic garden professionals, while authorities should promote such courses and establish hiring criteria that rewards study and training
	The restoration and promotion of the many publicly owned historic gardens that are abandoned should be prioritized. If the Sicilian Region does not have the resources to open and care for its sites, it should form public/private partnerships that assure long-term quality conservation, management and public fruition
The most outstanding of the historic gardens shall be proposed for inclusion in the World Heritage List (art. 25)	Municipal historic parks and gardens should have their own budget. Employment of highly-skilled gardeners and horticultural professionals should be prioritized and current employees should be awarded for improving skills and knowledge and demonstrating excellence. Regularity of care should be assured with well-organized work schedules and clearly attributed, long-term responsibilities
ALL POLICY LEVELS ALONG THE CHAIN MUST COMMUNICATE AND COORDINATE BETTER WITH GOVERNING BODIES ABOVE AND BELOW	

Table 3
Historic Garden Policy Recommendations.

ly conserved at all. Regarding the Italian Charter, many of its more specific policy recommendations still need to be followed up. Indeed, the Italian Charter's main problem has been that of diffusion.²⁰ Table 2 summarizes the progress and shortfalls made at each level of historic garden governance and Table 3 offers a to-do list for each governance level, organized according to the ICOMOS-IFLA Charter's general policy recommendations and considering the suggestions made in the Italian Charter.

3. Conclusions

In order to move forward from the measures governing historic gardens with mediocre results at best, lawmakers and administrators need clear guidance. Experts have agreed that the original ICOMOS-IFLA Florence Charter should be preserved as a historic document within the ICOMOS canon but that new guidelines are needed that connect historic gardens to the broader issues of landscape quality, sustainability and wellbeing.^{21&22} In 2016, the statement issued after the ICOMOS-IFLA International Committee on Cultural Landscape's workshop in Bath proposed the creation of such guidelines in the form of a living document that would emphasize historic gardens' position in the broader category of designed cultural landscapes.²³ The ICOMOS-IFLA Document on Historic Urban Parks was also added in 2017,²⁴ opening the door for future considerations regarding historic garden subcategories.

The Italian Charter was written to protest the ICOMOS-IFLA document's definition of historic gardens, allowances for reconstruction and as a 'promise' to continue to work on the issue.²⁵ It already defines historic gardens in more holistic and dynamic terms than the international charter, and remains less at odds with current landscape and heritage thought. As the policy synopsis has shown, Italy would be well served by a revival of its own Charter, sensitive to national, regional and local issues. Increasing the Italian Charter's on-line presence would greatly improve its accessibility. Using a more participatory process to periodically revise the document involving national, regional and especially local authorities, as well as NGOs, would assure that its recommendations are understood, shared and feasible for those on the front lines.

¹ CARI GOETCHEUS & NORA MITCHELL, *The Venice Charter and Cultural Landscapes: Evolution of Heritage Concepts and Conservation Over Time*, «Change Over Time», IV, no. 2, 2014, pp. 338-357.

² ITALIAN GOVERNMENT, *Piano Nazionale di Ripresa e Resilienza*, 2021, p. 104, 108-109, <https://www.governo.it/sites/governo.it/files/PNRR.pdf>, consulted on 12/07/2021.

³ OLGA POUPEROVÁ, FILIP DIENSTBIER & ONDREJ VÍCHA, *International Documents on Landscape Restoration*, «Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis», LXIII no. 4, 2014, pp. 1331-1344.

⁴ CoE, *Council of Europe Landscape Convention, as amended by the 2016 Protocol*, Florence, 2000, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807b6bc7>, consulted on 12/07/2021.

⁵ Cfr. NICOLETTA FERRUCCI, *I Giardini storici ed il paesaggio*, «Diritto e giurisprudenza agraria, alimentare e dell'ambiente» IV, 2012, pp. 241-247.

⁶ Cfr. LUCIANO DE BONIS, MARIA RITA GISOTTI, RICCARDO MASONI, *La pianificazione paesaggistica in Italia. Stato dell'arte e innovazioni*, a cura di A. Magnaghi, Firenze, Firenze University Press 2016 («Territori», 26), pp. 3-4.

⁷ ANNA MIGNOSA, *The Organization and Finance of Cultural Heritage in Sicily*, in «The Economics of Heritage. A Study in the Political Economy of Culture in Sicily» a cura di I. Rizzo & R. Towse, Cheltenham-Northampton, Edward Elgar, 2002, pp. 20-30.

⁸ CENTRO REGIONALE PER L'INVENTARIO, IL CATALOGO E LA DOCUMENTAZIONE, *Catalogo Schede di Sintesi*, <https://catalogobeni.cricid.it/> consulted on 12/07/2021.

⁹ MINISTERO DELLA CULTURA, *Catalogo Generale dei Beni Culturali*, <https://catalogo.beniculturali.it/> consulted on 12/07/2021.

¹⁰ FABIO CUTAIA, IGNAZIO MARCELLO VINCI, *Rapporto sul territorio*, a cura di I. Vinci, P. La Greca, Rome, 2018, p. 54.

¹¹ Approved with Assessorial Decree n. 6080/1999.

¹² FABIO CUTAIA, IGNAZIO MARCELLO VINCI, *Rapporto sul territorio*, a cura di I. Vinci, P. La Greca, Rome, 2018, p. 27.

¹³ TULLIO FILIPPONE, *Legge urbanistica, Sicilia bocciata da Roma per la seconda volta*, «La Repubblica», 13/04/2021, https://palermo.repubblica.it/politica/2021/04/13/news/legge_urbanistica_

[sicilia_bocciata_da_roma_per_la_seconda_volta-296319599/](https://www.repubblica.it/sicilia_bocciata_da_roma_per_la_seconda_volta-296319599/) consulted on 11/09/2021.

¹⁴ Received with Sicilian Regional Law n. 71/1978.

¹⁵ FABIO CUTAIA, IGNAZIO MARCELLO VINCI, *Rapporto sul territorio*, a cura di I. Vinci, P. La Greca, Rome, 2018, p. 49.

¹⁶ CITTÀ DI PALERMO – SETTORE URBANISTICA, *Relazione Generale*, 2004, https://www.comune.palermo.it/js/server/uploads/trasparenza_all/_14052014162916.pdf, consulted on 11/07/2021.

¹⁷ CITTÀ DI PALERMO – SETTORE URBANISTICA, *Elenco Verde Storico*, 2004, https://www.comune.palermo.it/js/server/uploads/trasparenza_all/_09012014121349.pdf, consulted on 11/07/2021.

¹⁸ CITTÀ DI PALERMO – SETTORE URBANISTICA, *Norme Tecniche di Attuazione*, 2004, p. 13, https://superedi.comune.palermo.it/superedi/docs_1/norme/82053/A2019/M05/G30/nt_a.pdf, consulted on 11/07/2021.

¹⁹ CITTÀ DI PALERMO – SETTORE AMBIENTE E TERRITORIO, *Regolamento del Verde Pubblico e Privato*, 2008, https://www.comune.palermo.it/js/server/uploads/regolamenti/_05032019104609.pdf, consulted on 13/07/2021.

²⁰ LIONELLA SCAZZOSI, *Verso una nuova carta internazionale sui giardini*, «Ananke» n. 80, January 2017, pp. 123-125.

²¹ LUIGI ZANGHERI, *Documenti, Esperienze e Strumenti di Conservazione: Bilancia a 25 anni dalle Carte di Firenze*, in «Giardini Storici, A 25 anni dalle Carte di Firenze: esperienze e prospettive», I, a cura di L.S. Pelissetti & L. Scazzosi, Firenze, Leo S. Olschki, 2009 («Giardini e Paesaggio» 25), pp. 167-169.

²² PETER H. GOODCHILD, *From the Florence Charter to the Florence Convention*, in L.S. Pelissetti & L. Scazzosi, 2009, pp. 181-193.

²³ LIONELLA SCAZZOSI, *Verso una nuova carta internazionale sui giardini*, «Ananke» n. 80, January 2017, pp. 123-125.

²⁴ ICOMOS-IFLA, *ICOMOS-IFLA Document on Historic Urban Public Parks*, 2017, https://www.icomos.org/images/DOCUMENTS/General_Assemblies/19th_Delhi_2017/Working_Documents-First_Batch-August_2017/GA2017_6-3-2_HistoricUrbanPublicParks_EN_final20170730.pdf, consulted on 12/11/2021.

²⁵ MARCO DEZZI BARDESCHI, *Salviamo il Patrimonio del Passato, ma i nuovi giardini del terzo millennio dove sono?*, in L.S. Pelissetti & L. Scazzosi, 2009, p. 160.