

PROTECTED NATURAL AREAS IN ITALIAN NATIONAL AND SICILIAN REGIONAL LEGISLATION

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INTRODUCTION

Protected natural areas represent one of the main tools through which modern legal systems pursue the protection of biodiversity and the conservation of natural ecosystems. Growing attention to environmental issues, which developed at the international level from the second half of the twentieth century onwards, has led to the gradual establishment of a multilevel system of environmental protection, in which international sources, European Union law, and national legal systems contribute to defining both objectives and instruments of protection.

Within this framework, protected natural areas play a central role, as they make it possible to put nature conservation goals into practice through specific land management models. Their regulation lies at the intersection of environmental protection, land-use planning, economic development, and the enhancement of local communities, requiring a constant balancing of different public interests. This paper examines the regulation of protected natural areas in both national and Sicilian regional legislation. After analysing the international, European, and national legal framework that forms the basis for biodiversity protection, the study focuses on the powers of the Sicilian Region and on the regional legislation governing protected areas, with particular reference to Regional Law No. 98 of 6 May 1981.

The paper then explores issues concerning the relationship between environmental conservation and territorial development, with particular attention to planning and management instruments for protected areas, as well as the main issues that have emerged in legal scholarship and case law. Finally, through an analysis of the Zingaro Oriented Nature Reserve, it examines an emblematic case of environmental protection in Sicily, useful for assessing the practical application of the principles and legal instruments discussed in the previous chapters.

The aim of this research is to highlight how the protection of natural areas has become one of the fundamental tools for safeguarding biodiversity and promoting a model of sustainable development capable of combining environmental protection with the enhancement of local territories.

CHAPTER I

THE PROTECTION OF NATURAL AREAS WITHIN THE MULTILEVEL SYSTEM OF LEGAL SOURCES

SUMMARY: 1. International sources and biodiversity protection. — 2. European Union sources. — 2.1 The Habitats and Birds Directives. — 2.2 The Natura 2000 Network as a tool for biodiversity conservation. — 3. The constitutional and national legislative framework. — 3.1 Articles 9 and 117 of the Constitution. — 3.2 Framework Law No. 394/1991. — 3.3 Protected natural areas within the system established by Framework Law No. 394/1991.

1. International Sources and Biodiversity Protection

Environmental protection has gradually developed within international law in response to the growing awareness that phenomena such as pollution, biodiversity loss, and climate change cannot be effectively addressed by individual States acting alone.

As noted by Grassi, international environmental law emerged from the need to identify common instruments for the protection of interests that transcend national borders and involve the international community as a whole.¹

A key milestone in this development was the Stockholm Declaration of 1972, which for the first time recognised the environment as a value deserving autonomous protection and affirmed the responsibility of States towards future generations. During this period, the principle was consolidated that each State may exploit its own natural resources, provided that activities carried out within its territory do not cause environmental damage to other States (*sic utere tuo ut alienum non laedas*).²

Within this context, the Convention on Biological Diversity (CBD), adopted in Rio de Janeiro on 5 June 1992 during the United Nations Conference on Environment and Development and entering into force on 29 December 1993, represents one of the most important international instruments concerning biodiversity protection. Article 1 of the Convention identifies three main objectives: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.³

The Convention goes beyond a purely conservationist view of nature and promotes a model of sustainable management of natural resources based on a balance between environmental protection and economic development. To this end, Article 8, concerning *in situ* conservation, places particular emphasis on protected areas by requiring the establishment of systems for the protection of natural habitats and endangered species, while Article 9 regulates *ex situ* conservation measures.⁴

The adoption of the Convention on Biological Diversity represents the culmination of a broader evolutionary process that has characterised international environmental law over recent decades. As

highlighted by Grassi, international law has gradually moved beyond an approach focused exclusively on the protection of State interests, recognising interests that concern the entire international community. Within this perspective, the concepts of *common heritage of mankind* and *common concern of mankind* have emerged, through which environmental and biodiversity protection are considered shared responsibilities of all States.⁵

The growing recognition of biodiversity protection in international law laid the foundations for the development of increasingly effective policies at both regional and national levels, contributing to the creation of a multilevel system for the protection of the environment and protected natural areas.

2. European Union Sources

The protection of biodiversity plays a central role in the environmental policy of the European Union.

Since the 1990s, the European Union has progressively developed a legal framework aimed at conserving natural habitats as well as animal and plant species, pursuing the objective of ensuring a high level of environmental protection while promoting sustainable development.⁶

The EU's action forms part of the broader commitments undertaken by the international community regarding biodiversity protection and finds its main legislative expression in the Habitats Directive 92/43/EEC and the Birds Directive 2009/147/EC, which together constitute the legal basis of the European ecological network known as Natura 2000.⁷

2.1 The Habitats and Birds Directives

The Birds Directive 2009/147/EC aims to conserve wild bird species occurring naturally within the European territory of Member States through measures protecting both the species themselves and their habitats.⁸

The Habitats Directive 92/43/EEC expanded the European protection system by extending it to natural habitats and animal and plant species of Community interest. According to Article 2, its objective is to contribute to the safeguarding of biodiversity through the conservation of natural and semi-natural habitats, as well as wild flora and fauna present within the territory of the European Union.⁹

Both directives are based on an approach centred on nature conservation, focusing not only on the protection of individual species but also on the ecosystems in which they live.

2.2 The Natura 2000 Network as a Tool for Biodiversity Conservation

The Natura 2000 Network represents the European Union's main instrument for biodiversity conservation.

Established by the Habitats Directive and complemented by the Birds Directive, it consists of an ecological network spread throughout the European Union, aimed at ensuring the maintenance or restoration of natural habitats and species of Community interest at a favourable conservation status.¹⁰

The network is composed of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), designated by Member States according to scientific criteria. Unlike traditional protection models based on isolated natural areas, Natura 2000 is characterised by an integrated approach to environmental protection, intended to ensure ecological continuity between habitats and biodiversity conservation through sustainable land management.¹¹

As legal scholars have observed, Natura 2000 does not seek to exclude human activities entirely from protected territories; rather, it aims to make such activities compatible with the conservation objectives established for habitats and species.¹²

This approach has been further strengthened by the European Biodiversity Strategy for 2030, adopted within the framework of the European Green Deal, which identifies the protection and restoration of ecosystems as essential tools for addressing biodiversity loss and promoting sustainable development.¹³

3. The Constitutional and National Legislative Framework

3.1 Articles 9 and 117 of the Constitution

Environmental protection now occupies a central position within the Italian constitutional system.

A particularly significant development was the adoption of Constitutional Law No. 1 of 11 February 2022, which amended Article 9 of the Constitution by expressly introducing the protection of the environment, biodiversity, and ecosystems, also in the interests of future generations.¹⁴ This reform strengthened the constitutional importance of environmental protection, incorporating principles that had already emerged within international and European law.

Alongside Article 9, particular importance must be attached to Article 117(2)(s) of the Constitution, which grants the State exclusive legislative competence in matters concerning the protection of the environment, ecosystems, and cultural heritage.¹⁵ The Italian Constitutional Court has clarified that

environmental protection, although intersecting with areas of regional competence, constitutes a cross-cutting matter requiring uniform standards of protection throughout the national territory.¹⁶ These constitutional provisions provide the foundation for the current national system of environmental and biodiversity protection, within which the regulation of protected natural areas is situated.

3.2 Framework Law No. 394/1991

The principal legislative reference concerning protected natural areas is Law No. 394 of 6 December 1991, known as the Framework Law on Protected Areas.

This legislative measure introduced, for the first time, a comprehensive legal framework for the sector, overcoming the fragmented nature of previous regulations and establishing a unified system for the protection of Italy's natural heritage.¹⁷

According to Article 1, the law aims to ensure and promote the conservation and enhancement of the country's natural heritage by protecting animal and plant species, natural habitats, and ecological balances. The Framework Law adopts an approach that extends beyond mere environmental conservation, seeking also to enhance protected areas as expressions of the national natural heritage and as places characterised by multiple natural, landscape, cultural, and scientific values.¹⁸

3.3 Protected Natural Areas within the System Established by Framework Law No. 394/1991

Article 2 of Law No. 394/1991 identifies the main categories of protected natural areas within the Italian legal system, distinguishing between national parks, regional natural parks, nature reserves, and marine protected areas.¹⁹

This classification makes it possible to tailor protection measures according to the characteristics of the territories concerned and the conservation objectives pursued. Protected areas constitute one of the principal instruments through which the Italian legal system implements the biodiversity protection goals developed at both international and European levels, contributing to the conservation of ecosystems and the country's most valuable natural heritage.²

CHAPTER II

THE REGULATION OF PROTECTED NATURAL AREAS IN THE SICILIAN REGIONAL LEGAL SYSTEM

SUMMARY: 1. The powers of the Sicilian Region in environmental matters. — 1.1 The Special Statute of the Sicilian Region. — 1.2 The division of powers between the State and the Region. — 2. Regional legislation on protected natural areas. — 2.1 Regional Law No. 98/1981: principles, objectives, and protection instruments. — 2.2 Authorities and bodies responsible for the management of protected areas. — 3. Types of protected natural areas provided for under Sicilian regional law.

1. The Powers of the Sicilian Region in Environmental Matters

The regulation of protected natural areas in Sicily forms part of the framework of special autonomy granted to the Sicilian Region.

Environmental protection is an area in which State and regional powers intersect, according to a model based on cooperation between different levels of government. Within this context, protected areas play a particularly significant role, as they serve as instruments for the conservation of biodiversity and the protection of the Region's environmental heritage.

As highlighted by legal scholarship, the regulation of protected areas represents one of the main fields in which the balance between national environmental protection requirements and the enhancement of territorial autonomy is achieved.²¹

1.1 The Special Statute of the Sicilian Region

The autonomy of the Sicilian Region is founded upon the Special Statute approved by Royal Legislative Decree No. 455 of 15 May 1946 and subsequently incorporated into Constitutional Law No. 2 of 26 February 1948.²²

The Statute grants the Region particularly broad legislative powers in several sectors connected with land management and natural resources, allowing it to adopt specific regional legislation concerning environmental protection and protected natural areas.

The special status of the Sicilian legal system has encouraged the development of regulatory instruments aimed at preserving the island's natural heritage, while respecting the fundamental principles of the constitutional order and the obligations arising from European Union law and international environmental agreements.²³

1.2 The Division of Powers between the State and the Region

The exercise of regional powers in environmental matters must be coordinated with the constitutional framework established by Article 117(2)(s) of the Constitution, which grants the State exclusive legislative competence in the protection of the environment, ecosystems, and cultural heritage.²⁴

This does not, however, exclude the role of the Regions, which continue to exercise important powers regarding land-use planning, environmental enhancement, and the management of protected areas.

The Constitutional Court has repeatedly stated that environmental protection constitutes a unified value requiring consistent levels of protection throughout the national territory.²⁵

From this perspective, protected natural areas represent a field in which constant coordination between State and regional competences takes place. As noted by Vosa, the regulation of parks and protected areas is one of the sectors most significantly affected by the interaction between environmental protection, territorial autonomy, and the functional differentiation of the bodies responsible for territorial management.²⁶

2. Regional Legislation on Protected Natural Areas

The protection of natural areas in Sicily is primarily based on Regional Law No. 98 of 6 May 1981, entitled *Rules for the Establishment of Parks and Nature Reserves in the Sicilian Region*.

This law constitutes the main regional legislative framework on the subject and represents one of the earliest comprehensive legislative measures adopted in Italy for the protection of natural heritage.²⁷

Its adoption took place in a context characterised by growing awareness of environmental conservation and biodiversity protection, as well as by the need to preserve areas of particular natural, landscape, and scientific value.

In this respect, the regional legislation anticipated several trends that would later be recognised in national legislation and European environmental policies.²⁸

2.1 Regional Law No. 98/1981: Principles, Objectives, and Protection Instruments

This legislative measure is particularly significant because Sicily was among the first Italian Regions to adopt a comprehensive legal framework governing protected areas, anticipating several aspects of the subsequent national Framework Law No. 394/1991.²⁹

According to Article 1, the law aims to safeguard, manage, conserve, and protect the landscape and the natural environment, while also promoting scientific research, public enjoyment of environmental assets, and sound territorial planning.

The regional legislation also emphasises the need to reconcile environmental protection with the preservation of traditional productive and occupational activities carried out within the areas concerned.³⁰

The law identifies regional parks and nature reserves as the principal instruments of protection, intended to safeguard areas characterised by significant environmental, scientific, aesthetic, and social value.³¹

A central role is assigned to the Regional Plan for Parks and Nature Reserves, through which the areas to be protected and their corresponding protection regimes are identified.³²

The actual establishment of parks and reserves takes place through a decree issued by the Regional Councillor for Territory and Environment, following consultation with the advisory bodies provided for by law.

Through these planning and management instruments, the Sicilian Region exercises its environmental protection powers with the aim of conserving and enhancing the Region's natural heritage.³³

2.2 Authorities and Bodies Responsible for the Management of Protected Areas

The system established by regional legislation assigns a central role to the Sicilian Region, which is responsible for planning, policy direction, and supervision in environmental matters.³⁴

Alongside the Region operate the management bodies responsible for individual protected areas, which are entrusted with implementing conservation, enhancement, and monitoring measures.

In the case of regional parks, these functions are carried out by park authorities, which possess specific administrative and managerial powers.

With regard to nature reserves, management may be entrusted to various entities designated by the regional administration, including public bodies, universities, and environmental organisations.

This diversity of management models represents one of the distinguishing features of the Sicilian protected areas system and makes it possible to adapt management arrangements to the specific characteristics of individual protected areas.³⁵

3. Types of Protected Natural Areas under Sicilian Regional Law

Pursuant to Regional Law No. 98/1981, the Sicilian system of protected natural areas is mainly divided into regional parks and nature reserves, alongside marine protected areas established under national and European legislation.³⁶

Regional parks are intended to protect territories characterised by ecosystems of particular natural and landscape value, where environmental conservation is combined with the enhancement of the natural and cultural resources present in the area.³⁷ Among Sicily's most important regional parks are the Etna Park, the Nebrodi Park, the Madonie Park, and the Alcantara Park.

Alongside the parks are nature reserves, established to ensure the protection of specific habitats, animal and plant species, as well as geological and landscape features of particular significance. Nature reserves represent the most widespread category of protected area within the Region and constitute one of the fundamental tools for preserving Sicilian biodiversity.³⁸

Through this structure, the regional legislator has created a differentiated system of protection designed to adapt the intensity of conservation measures to the characteristics and conservation needs of each protected area.³⁹

CHAPTER III

PROTECTED AREAS BETWEEN ENVIRONMENTAL CONSERVATION AND TERRITORIAL DEVELOPMENT

SUMMARY: 1. Balancing environmental protection and socio-economic interests. — 1.1 The evolution towards a model of dynamic conservation. — 1.2 The legal nature of environmental restrictions and the position of case law. — 2. Management instruments and the relationship between environmental and urban planning. — 2.1 The Park Plan and territorial zoning. — 2.2 The hierarchy between environmental, landscape, and territorial planning instruments. — 3. The effectiveness of protection: challenges and prospects for reform. — 3.1 Procedural issues and the challenge of State–Region coordination. — 3.2 Current challenges: digitalisation and sustainable resource management.

1. Balancing Environmental Protection and Socio-Economic Interests

1.1 Evolution of the Principle of Balancing Interests

The regulation of protected natural areas is one of the fields in which the need to reconcile environmental protection with other significant public and private interests is most evident.

The protection of biodiversity and ecosystems, further strengthened by the amendment of Article 9 of the Constitution through Constitutional Law No. 1 of 11 February 2022, must be balanced against the needs of economic development, territorial planning, and the enhancement of local communities.⁴⁰

The evolution of legislation and constitutional case law has progressively granted environmental protection a central role within the legal system, recognising it as a unified value deserving protection throughout the national territory. From this perspective, the environment is not an interest that must automatically give way to other public or private concerns, but rather a fundamental element in decisions relating to territorial governance.⁴¹

However, the balance between environmental protection and economic interests should not be understood as an absolute conflict. Framework Law No. 394/1991 moved beyond a purely conservation-oriented view of protected areas by assigning them cultural, social, and economic enhancement functions as well.⁴²

1.2 Protection Measures, Territorial Planning, and Compatible Economic Activities

As highlighted by legal scholarship, the Framework Law on Protected Areas pursues an integrated protection of the natural, landscape, cultural, scientific, and educational values present within a territory.⁴³

From this perspective, parks cannot be regarded as spaces entirely removed from human presence, but rather as territories in which economic activities may be carried out provided that they are compatible with conservation objectives.

This approach gives rise to a management model based on compatibility between environmental protection and the enhancement of local resources. Productive activities may be permitted insofar as they do not compromise the ecological balances that justified the establishment of the protected area, thereby encouraging forms of sustainable development consistent with conservation requirements.⁴⁴

1.3 Judicial Approaches

Constitutional case law has progressively clarified the nature of environmental restrictions and their relationship with property rights.

In particular, the Constitutional Court has held that environmental restrictions have a regulatory (*conformative*) nature and derive from the social function of property recognised by Article 42 of the Constitution. Consequently, such restrictions are not generally considered expropriatory and do not normally give rise to a right to compensation.⁴⁵

Administrative courts have also recognised the central role played by planning instruments governing protected areas, affirming the supremacy of the Park Plan over incompatible urban planning instruments and confirming its function in safeguarding environmental and landscape interests.⁴⁶

2. Protection Restrictions and Economic Activities within Protected Areas

2.1 Limits on Construction and Land Transformation

Environmental restrictions constitute the principal instrument through which the legal system ensures the protection of protected areas.

They affect land transformation by limiting construction projects, infrastructure development, and activities capable of compromising the natural balance of protected territories.⁴⁷

These restrictions are regulatory in nature and are justified by the public interest in preserving environmental heritage. For this reason, their imposition does not normally entail compensation, as they are considered an expression of the social function of property and of the need to guarantee environmental protection.⁴⁸

2.2 The Park Plan and the Regulation of Compatible Activities

The system established by Framework Law No. 394/1991 is not based on a purely prohibitive approach but rather on differentiated regulation of the activities permitted within protected areas.⁴⁹

Article 11 of the Law establishes a series of general prohibitions aimed at preserving ecosystems, while Article 12 entrusts the Park Plan with the task of regulating land use through territorial zoning characterised by different levels of protection.⁵⁰

Alongside areas subject to the strictest protection measures, the legislator has provided for zones in which economic and social activities compatible with conservation objectives may be carried out, thereby promoting sustainable development and the enhancement of local communities.⁵¹

2.3 The Relationship between Environmental, Urban, and Landscape Planning

The Park Plan occupies a central position within the system of territorial planning instruments, prevailing over incompatible urban planning measures and guiding land use according to environmental conservation objectives.⁵²

This function forms part of a multilevel planning framework in which landscape protection instruments provided by Legislative Decree No. 42 of 22 January 2004 also play an important role. The result is a model of territorial governance based on the integration of environmental protection, urban planning, and landscape enhancement.⁵³

3. The Effectiveness of Protection: Challenges and Reform Perspectives

3.1 The Division of Powers between the State and the Regions

Although environmental protection falls within the State's exclusive legislative competence under Article 117(2)(s) of the Constitution, it clearly intersects with matters assigned to the Regions.

For this reason, the Constitutional Court has developed a model based on coordination among different levels of government and on the principle of loyal cooperation (*leale collaborazione*).⁵⁴

3.2 Procedural Issues and Practical Difficulties

Among the main weaknesses of the system are delays in the adoption of Park Plans and Park Regulations, which negatively affect the effectiveness of environmental protection and create uncertainty regarding the legal regimes applicable within protected areas.

Such delays may undermine the achievement of conservation objectives pursued by the legislator and complicate the management of permitted activities within protected areas.⁵⁵

3.3 Observations from Legal Scholarship

Legal scholars have highlighted the progressive strengthening of the functional autonomy of protected areas and the growing centrality of environmental protection within the legal system.

At the same time, they have emphasised the need to enhance the socio-economic dimension of protected territories by promoting forms of development compatible with environmental protection and with the interests of local communities.⁵⁶

Nevertheless, challenges remain, particularly those related to administrative fragmentation, limited financial resources, and difficulties in coordinating the various actors involved in the management of protected areas.

3.4 Prospects for Modernisation and Digitalisation of the System

The practical difficulties that have emerged in recent years have highlighted the need to modernise the management tools used for protected areas, including through the adoption of innovative technologies for territorial monitoring and environmental protection.

In this context, particular importance is attached to digitalisation processes and environmental data collection systems promoted by recent public policies concerning the ecological transition.

The current challenge is not merely to increase the extent of protected areas, but above all to improve the quality of their management through instruments capable of ensuring more effective biodiversity conservation and ecosystem protection.⁵⁷

CHAPTER IV

THE ZINGARO ORIENTED NATURE RESERVE: A CASE STUDY OF ENVIRONMENTAL PROTECTION IN SICILY

SUMMARY: 1. The establishment of the Zingaro Reserve and its historical and institutional context. — 1.1 Environmental mobilisations and the creation of the reserve. — 1.2 The Zingaro Reserve as Sicily's first nature reserve. — 2. The legal framework and protection instruments. — 2.1 Sicilian regional legislation. — 2.2 Environmental and landscape restrictions. — 2.3 Conservation and management measures. — 3. Main legal and administrative issues. — 3.1 Environmental conservation and public access. — 3.2 Land management and ecosystem protection. — 3.3 Practical challenges that have emerged over time. — 4. The Zingaro Reserve as a model of environmental protection in Sicily. — 4.1 Achievements. — 4.2 Limits of the management model. — 4.3 Prospects for sustainable enhancement.

1. The Establishment of the Zingaro Reserve and Its Historical and Institutional Context

1.1 Environmental Mobilisations and the Creation of the Reserve

The Zingaro Oriented Nature Reserve represents one of the most significant experiences of environmental protection developed in Italy during the second half of the twentieth century.

Its establishment was the result of a broad grassroots movement that emerged at the end of the 1970s in opposition to the construction of a coastal road intended to connect the municipalities of San Vito Lo Capo and Scopello, a hamlet of Castellammare del Golfo.

The prospect of irreversible alteration to a coastal area of outstanding natural and landscape value generated strong opposition from environmental associations, academics, citizens, and local authorities, culminating in the historic march of 18 May 1980.

This event is particularly significant from a legal perspective because it represents one of the earliest examples of collective participation capable of directly influencing public decision-making in environmental matters.⁵⁸ The Zingaro experience anticipated principles that would later become central to environmental law, including public participation in decision-making processes and the recognition of natural heritage as a primary public interest.

Furthermore, the establishment of the reserve reflected the emergence of a new environmental awareness, according to which the environment was no longer viewed merely as an economic resource but as a common good to be preserved for the benefit of the entire community.

1.2 The Zingaro Reserve as Sicily's First Nature Reserve

Following the environmental mobilisation that culminated in the march of 18 May 1980, the Sicilian Region initiated the process that led to the establishment of the Zingaro Oriented Nature Reserve, which was formally incorporated into the regional system of protected areas governed by Regional Law No. 98 of 6 May 1981.⁵⁹

Article 33 of the Law identified the conservation of the natural, environmental, and landscape heritage as its main objective, together with the promotion of scientific research, environmental education, and public enjoyment of the territory.

Extending along approximately seven kilometres of coastline within the Province of Trapani, the reserve includes natural environments of considerable scientific interest, characterised by the presence of numerous plant and animal species as well as habitats of high ecological value.⁶⁰

The creation of the Zingaro Reserve marked a turning point in regional conservation policies, representing the first comprehensive experience of protected-area management in Sicily.⁶¹ Its establishment preceded the national Framework Law on Protected Areas by almost ten years,⁶² making it a pioneering example⁶³ in the evolution of environmental conservation policies.

Today, the reserve is managed by the Regional Department for Rural and Territorial Development of the Sicilian Region, which is responsible for protection, monitoring, and enhancement activities.

2. The Legal Framework and Protection Instruments

2.1 Sicilian Regional Legislation

The protection of the Zingaro Reserve falls within the legislative powers granted to the Sicilian Region by its Special Statute,⁶⁴ which recognises exclusive regional competence in matters relating to agriculture and forestry, as well as concurrent competence in urban planning and construction.

Regional legislation played a pioneering role compared to subsequent national regulations, developing territorial protection models based on ecosystem conservation and on limiting transformations incompatible with environmental protection objectives.⁶⁵

From a technical and legal perspective, particular significance is attached to Article 35 of Regional Law No. 98/1981, which provides that urban planning provisions incompatible with the reserve become ineffective from the date on which the law establishing the reserve enters into force.

This mechanism results in the automatic invalidation of incompatible urban planning instruments and constitutes an exception to the principle of the typicity of administrative acts. It also limits the *ius aedificandi* of private landowners, raising issues concerning legitimate expectations and possible compensation claims.

The provision further prohibits urban and building developments until management instruments for the reserve have been approved, effectively establishing a temporary suspension regime that, in many cases, lasted for a considerable period of time and generated practical uncertainty.

The management of the reserve has gradually been aligned with the principles introduced by national legislation and with obligations arising from European Union law concerning nature conservation.

2.2 Environmental and Landscape Restrictions

The protection of the area is ensured through an integrated system of environmental and landscape restrictions operating at different legal levels and aimed at preserving ecosystems and landscape values.

In addition to the restrictions deriving from the regional legislation establishing the reserve, the provisions of the Code of Cultural Heritage and Landscape apply,⁶⁶ ensuring the protection of the landscape values characterising the coastal area.

These restrictions significantly affect land-use possibilities by limiting construction, infrastructure development, and the intensive exploitation of natural resources.

As clarified by constitutional case law—and particularly through the distinction developed by the Constitutional Court between expropriatory restrictions and regulatory restrictions—limitations imposed for environmental and landscape protection purposes have a regulatory (*conformative*) nature because they derive from the social function of property established by Article 42(2) of the Constitution.⁶⁷

As a consequence, such restrictions generally do not give rise to compensation unless they assume an expropriatory character or substantially deprive the property right of its economic value.⁶⁸

The applicable legal framework confirms the centrality of environmental protection as a constitutionally protected value and justifies the adoption of a legal regime different from that applicable to surrounding territories.

The reserve is also included within the European Natura 2000 ecological network through specific Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which strengthen the conservation obligations arising from European Union law.⁶⁹

Together, these instruments create a particularly rigorous protection regime aimed at limiting construction and resource exploitation in order to preserve habitats and species.

2.3 Conservation and Management Measures

Activities carried out within the reserve must comply with the conservation objectives established for the habitats and species present within the area.⁷⁰

Management is based on planning and regulatory instruments intended to ensure a balance between environmental protection and public access.

Within this framework, access to the reserve, hiking activities, trail maintenance, and environmental education initiatives are all specifically regulated.

The Zingaro Reserve therefore represents a practical example of the principle of sustainable development, according to which economic and social needs must remain compatible with environmental protection.

3. Main Legal and Administrative Issues

3.1 Environmental Conservation and Public Access

One of the most significant issues arising from the management of the reserve concerns the relationship between environmental conservation and tourism.

The large number of visitors represents an important resource for the territory but may also generate negative effects on natural habitats, including erosion, waste accumulation, and disturbances to ecological balances.

Managing visitor access and recreational activities therefore requires a continuous balance between the public's right to enjoy natural heritage and the need to preserve it for future generations.

3.2 Land Management and Ecosystem Protection

Additional challenges concern wildfire prevention, the control of unlawful activities, and the maintenance of infrastructure necessary for public access.

The fires that have affected the Zingaro area over time have highlighted the vulnerability of protected ecosystems and the need for greater investment in prevention and environmental monitoring.

Effective protection requires not only legal restrictions but also adequate financial, organisational, and technological resources.

3.3 Practical Challenges Emerging from Experience

The experience of the Zingaro Reserve confirms several of the challenges identified by legal scholarship with regard to the Italian system of protected areas.⁷¹

Among these are limited financial resources, the complexity of administrative procedures, and the need to coordinate a variety of different interests.⁷²

Additional difficulties arise in the relationship with local communities, which sometimes perceive conservation restrictions as obstacles to economic development.

This makes it essential to promote sustainable enhancement models capable of transforming environmental protection into an opportunity for territorial development.⁷³

4. The Zingaro Reserve as a Model of Environmental Protection in Sicily

4.1 Achievements

More than forty years after its establishment, the Zingaro Reserve remains one of the most significant successes of environmental conservation policies in Sicily.⁷⁴

The protection of the area has ensured the preservation of high levels of biodiversity and landscape integrity, while also making it one of the region's most important destinations for nature-based tourism.

This experience demonstrates how environmental protection can generate not only ecological benefits but also economic and social advantages.

4.2 Limits of the Management Model

Despite these achievements, several challenges remain.

Financial resources are not always sufficient, tourism pressure continues to increase, and organisational difficulties require constant updating of management and monitoring tools.

The Zingaro experience demonstrates that legal provisions alone are not sufficient to guarantee effective environmental protection without adequate administrative and managerial capacity.

4.3 Prospects for Sustainable Enhancement

The future development of the Zingaro Reserve must be considered within the broader framework of recent European and national strategies concerning biodiversity protection and sustainable development.⁷⁵

Responsible tourism, stronger environmental education programmes, the digitalisation of monitoring systems, and the active involvement of local communities are among the tools that can help consolidate the results achieved so far.

From this perspective, the Zingaro Reserve continues to represent a paradigmatic model of environmental protection in Sicily, demonstrating how conservation of natural heritage can be integrated with territorial development and collective well-being.

CONCLUSIONS

The overall analysis demonstrates that the protection of protected areas operates within a multilevel legal framework involving international law, European Union law, constitutional principles, and both national and regional legislation. This framework reflects the evolution of environmental law towards a model of shared responsibility among different levels of government.

Instruments such as the Convention on Biological Diversity, the Habitats and Birds Directives, and the Natura 2000 Network, together with the constitutional strengthening of environmental and

biodiversity protection, have contributed to the development of an integrated model in which protected areas occupy a central position within conservation policies.

However, the effectiveness of this system depends not only on the quality of legal rules but, above all, on their practical implementation. In many cases, implementation remains limited by fragmented competences, procedural difficulties, uneven management practices, and insufficient resources, creating the risk of protection that exists only on paper.

Within this context, it becomes necessary to reconcile biodiversity conservation with the sustainable development of local territories, moving beyond a purely restrictive approach and promoting a dynamic balance between environmental and economic interests. The experience of the Zingaro Reserve, although highly successful, clearly illustrates the complexity of this challenge.

Future developments point not so much towards a change in fundamental principles as towards a strengthening of implementation mechanisms through administrative simplification, improved institutional coordination, and new European and national strategies aimed at ecosystem restoration and the digitalisation of environmental monitoring systems.

Ultimately, the main challenge is to ensure that the constitutional protection of the environment and biodiversity becomes genuinely effective, transforming it into a concrete public policy capable of safeguarding ecosystems while at the same time promoting sustainable development for present and future generations.

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