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## Historical Vessels as Cultural Heritage. An Italian heritage nowadays underrated by law and community

**Maria Carola MOROZZO DELLA ROCCA<sup>1</sup>, Giulia ZAPPIA<sup>2</sup>**

<sup>(1)</sup> <sup>(2)</sup> Architecture and Design Department, Polytechnic School, University of Genoa, Genoa, Italy  
carola.morozzo@unige.it, giulia.zappia@fastwebnet.it

### Abstract

During the last two years, Cultural Heritages belonging to any country opened up their boundaries to tangible and intangible assets that were little known and not adequately enhanced. Following the recent trend, those heritages yearn for being part of our Cultural Heritage as much as Gioconda or David.

Italian maritime museums, also supported by governmental and institutional associations like ICOM, activated some good practices such as the diffuse museum or the network between territory and museums belonging to the same category. Nevertheless, also considering the improved scenario just mentioned, Nautical Heritage is still little known and it is considered as niche product.

The difficult perception of the Maritime and Nautical Heritage like a 'real' Cultural Heritage depends on the past bad attention to this kind of goods and, before that, on inappropriate legislation.

Recent update to the DLgs. n.42-2004, *Codice dei Beni Culturali e del Paesaggio*, completed the Italian Cultural Heritage with specific kind of vessels. However, our relevant legislation is currently disregarded and not easily applicable to our case.

After analysing critically the last twenty years evolution of our legislation, with this paper we mean to underline the innovative characters that our legislative system needs with the goals of updating the identification and the enhancement of our Nautical Heritage within the Cultural Heritage and, finally, identifying best solution for conserving and protecting it.

**Keywords:** Cultural Heritage, Nautical Heritage, enhancement, conservation, law

### 1. Introduction and Background

In Italy, the equivalence Nautical Heritage-Cultural Heritage is not so obvious as it should be, especially if the good taken into consideration is a navigating boat instead of a museum object.

Institutions and community only recently -and very rarely- recognize the great value of historical boats as part of our traditions and culture. One of the reasons of such behaviour, could be the greater artistic and architectural tradition of our country compared to the nautical one. Artistic and architectural traditions have probably overridden the Nautical Heritage of our ancestors.

Nevertheless, Italian law ratifies -at least formally- the equivalence of the first line. Similarly, scientific debate of the last ten years recognizes the need of consolidation and spreading of this reality.

Following the Italian law D.Lgs n.42-2004, historical boats can generally yearn for being part of the national Cultural Heritage. Classic boats, military vessels, traditional and working boats with specific historical, chronological and ethno-anthropological requisites, can possibly be part of our Cultural Heritage... All those different typologies have problems and follow different needs of enhancement and conservation that have to be evaluated following a case by case rule.

For example, teaching to a public not used to the argument that military vessels are 'relics' is not difficult. Moreover, here we find important supporters: Naval Museums, Maritime Museums, Italian Navy...

Nevertheless, when we consider the 'ladies of the sea' which are responsible for the history of yachting and sailing competitions, people involved in their enhancement and conservation will mainly deal with private assets. In this case, we can likely count on moderate number of enthusiastic people yearning for restoring those artefacts for personal use, putting in place very long and expensive interventions focused on re-establishing the vessel's beauty and, moreover, returning sailing abilities

and -why not?- some additional benefits. At our disadvantage, within the collective perception, those vessels are equivalent to luxury goods belonging to the *élite*. It is very hard to associate that kind of vessels to the concept of significant historical good available to a larger community.

Finally, if we turn our attention to the third large family of boats: the 'woods', or those working units belonging to our poorest tradition, the speech undergoes a total turnaround. Those boats are less adaptable to recreational use, less 'important' and, consequently, less fascinating to owners. As a consequence, as soon as their commercial activity end, their abandon wasn't avoidable. Therefore, nowadays we have lost a very large number of original exemplars. Private investors and museums actively involved in saving traditional boats from negligence and in bringing them back to a new life are rare. From a different point of view, the popular origin of gozzi, leudi, rivanetti, tartane, lance, paranze, brigantini, golette...makes them easily associable to the concept of Cultural Heritage (tangible and intangible) as proof of the tradition of each original territory.

Furthermore, we need to underline that the size of Italian Nautical Heritage is unknown even by experts.

There have been many different census initiatives, nevertheless, a unified catalogue is still missing. The difficulty in recognising and, after that, enhancing our Nautical Heritage is clear and depend on, together with many other factors, the actual impossibility of knowing the real size and placement of the heritage itself.

Moreover, as same as the still clear absence of sensitiveness for recognising Nautical Heritages, rescuing those goods for a hoped long conservation is difficult.

Within a so various scenario, the approach to boat conservation and restoration is various and self-referential.

Restoration of historical boats is a young discipline and, especially in Italy, it is a topic which hasn't been discussed much. It is the outcome of a sketch that mix up boatyards good practices, ancient knowledge and craftsmanships, abilities of the rare shipwrights still working and of some designers whom abilities in yachts restoration are the result of personal sensitivity.

The unique certainty which surrounds the scenario just described is the Italian law, D.Lgs n.42-2004, better known as *Codice dei Beni Culturali e del Paesaggio* which is one of the few staples useful for starting any critical thought.



**Fig. 1:** Floating Section of Museo della Marineria di Cesenatico. Twelve traditional boats from the Upper Adriatic, from Easter festivity to September, every day lift their sails (photo: courtesy of Museo della Marineria di Cesenatico)





**Fig. 2:** Gozzo sorrentino Pianosa's crew. In 2003, after the restoration started in 2001, MIBAC declared the boat Italian historical and artistic heritage (restoration project by Studio Faggioni Yacht Design, photo: courtesy of Francesco Rastrelli).

## 2. Legislative Scenario: Strength and Weakness of Laws to be Rethought

Nowadays, the body that governs and manages the Italian Cultural Heritage is *Ministero dei Beni e delle Attività Culturali (MiBAC)* using D.Lgs n.42-2004, *Codice dei Beni Culturali e del Paesaggio* (and its next modifies and integrations). The *Codice*, born for previous categories, acquires some earlier laws (abrogated with the proclamation of the *Codice* itself) and introduces the Nautical Heritage within goods that have to be protected. Sure enough, clause 10 says that vessels and floating units characterised by artistic, historical or ethno-anthropological interests are part of our Cultural Heritage; clause 11 reports: «vehicles with more than seventy-five years old», but it doesn't mention any specific parameter for their identification but a minimum age that was at first of 50 years old and after was brought to 70 years old<sup>1</sup>.

Therefore, on one hand, D.Lgs n.42-2004 represents the first step forward to collectively recognise historic boats as part of our Cultural Heritage, on the other hand, it will need reviews and updates in order to fit peculiarities of nautical context, overpassing legislative limits and starting new strategies for protecting and giving value to this Heritage<sup>2</sup>. Nevertheless, in addition to the legislative deficiencies and difficulties, the sector lack of preparation in adopting that legislation has to be underlined. Therefore, nautical sector, differently from the civil one, wasn't ready to accept *Codices'* prescriptions from both the point of view of professionals allowed and competent in restoring historical boats and the point of view of boatyards adopting ministerial parameters.

The Italian Nation should recover some laws and proposal older than the *Codice*, with the goal of arriving to a real protection of the Nautical Heritage, filling the evident lack of the current legislation and implementing, on one hand, the active debate between institutions<sup>3</sup>, on the other hand, those experiences linked with associations which, in the last twenty years, proposed very sensible actions.

<sup>1</sup> Cfr. Article 12, D.Lgs n.42-2004 then modifies by D.Lgs n.156 - 2006 *Disposizioni correttive ed integrative al Decreto Legislativo n.42 del 22 gennaio 2004 in relazione ai beni culturali* and later evoked in some laws, e.g. n.124-2017, that confirm the age parameter of 70 years old.

<sup>2</sup> In the case of Cultural Heritages of historic interest, the *Codice dei Beni Culturali* limits their mobility. Thus, in the case of Nautical Cultural Heritage, boats cannot sail both within the territorial sea and abroad. Moreover, the *Codice* doesn't meet some nautical aspects such as perishability of materials or technical and safety needs that are nowadays necessary for navigating.

<sup>3</sup> Abroad experience, e.g. the French case, showed that engaging the Ministry of Transportation instead of the Cultural Activities one, brought to tangible results.



**Fig. 3:** Launch of the famous vintage yacht Lulworth inside Arsenale Militare di La Spezia, after the recovery ended in 2006 (restoration project by Studio Faggioni Yacht Design, photo: courtesy of Francesco Rastrelli).

From a legislative point of view, the last goal was, in November 2017, the modify of D.Lgs n.117-2005. The new *Codice della Nautica da Diporto*, implemented with D.Lgs. n.229-2017, in clause 3, comma e, introduces the definition of *nave da diporto minore storica* [historic minor pleasure ship]: any ship of more than length 24 mt, according to UNI/ EN/ISO/8666, of a maximum 120 GT [gross tonnage], built before the first of January 1967. The definition is specifically for the naval sector: the dimensional limit, up to 24 mt, excludes many vessels that we usually consider. Nevertheless, the law has been appreciated by community that glimpses new possibilities and openness unknown before.

Taking a step back, the Law n.172-2003, then abrogated by *Codice dei Beni Culturali e del Paesaggio*, is a good landmark, definitely more extensive and better contextualised in our scenario than the *Codice*. Therefore, even of the Law n.172-2003 is no more active. It could be worth resuming some of its axioms to reach, in the next future, more efficient results.

In the same year European Maritime Heritage (EMH)<sup>4</sup>, European parastatal organisation, promulgates the *Barcelona Charter*.

The *Barcelona Charter, European charter for the conservation and restoration of traditional ships in operation*, can be considered a cultural operation with European range similar to the *Carta di Venezia* [Venice Charter] of 1964. Differently, the Law n.172-2003 comes from the Italian government.

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<sup>4</sup> Cfr. *European Maritime Heritage*, further information on the website [<https://european-maritime-heritage.org/>] last consultation 15.02.2020.



Therefore, it is of national range. In the last case and for the first time, Italy and Italian Ministries<sup>5</sup>, flanked by the Association ARIE<sup>6</sup>, recognise the historical value of vessels with specific characters.

EMH during Barcelona Congress of 2001, underlines affinities of Maritime Heritage and monument or territorial heritages, announcing the aim of adapting the *Venice Charter* principles to the European Maritime Heritage. Therefore, *Barcelona Charter* was born declaring:

«ARTICLE 1. The concept of Maritime Heritage afloat embraces the single traditional ship in which is found the evidence of a particular civilisation or significant development as well as traditional sailing, seamanship and maritime workmanship. This applies both to larger ships and to more modest craft of the past, which have acquired cultural significance with the passing of time.

ARTICLE 2. The preservation, restoration and operation of traditional ships must have recourse to all the sciences, techniques and facilities, that can contribute to the study and safeguarding of the Maritime Heritage afloat».

After those definitions, the scope of conserving traditional vessels and some indication about restoring intervention can be found. *Barcelona Charter* is a brief but important text which opens to new scenario and possibilities. Nevertheless, it needs to be absorbed by legislations to become real.

In Italy, Law n.172-2003 seems to collect the same scopes of *Barcelona Charter*, considering Cultural Heritage those vessels with specific characters written in clause 7. The last under *Unità navali storiche* [historical naval units] says that have to be considered Cultural Heritage vessels of more than 25 years old and that have the following requisites: the vessel is considered peculiar thanks to the type of project, technology, architecture, engineering of construction or thanks to the choice of materials; the vessel reached a sportive or technical goal or participated in important event; the vessel has historical value or interest thanks to the fame of its owner; the vessel actively contributed to the social or economic development of our country; the vessel is a perfect reproduction of a historical vessel and it is used as subsidiary, illustrative or didactical tool.

Reading the clause just mentioned, for the first time in Italy, a large part of historical vessels can yearn for being part of our Cultural Heritage.

Some critical considerations follow: because of the limited life expectancy of vessels (here considering the weakness of materials and the very aggressive context of the sea), the parameter of 25 years old can be well considered and is appropriate. On the contrary, it appears risky if compared with the *Codice dei Beni Culturali e del Paesaggio* document and the one of the *Codice della Nautica da Diporto* as well. Finally, it is wholly approved the attempt of defining and freezing the specifics of historical boats.

One year later, the promulgation of the *Codice dei Beni Culturali e del Paesaggio*, affirms MiBAC interest in historical vessels, but it drastically reduces the previous law. In particular, information useful for defining vessels of historical or cultural interest decreases. As consequence responsibility and hard tasks characterized by very large possibilities fall on Superintendence.

Our legislation, starting from D.Lgs n.42-2004, is not a useful tool for defining precise boat categories anymore. The *Codice* conserves the age limit of 50 years old, later, within a confusing and equivocal atmosphere, it changes that limit into 70 years old. Moreover, differently from the Law n.172-2003, the *Codice* doesn't define requisite useful for declaring historical, classical or vintage etc., boats which deserve that title. As a consequence, specific rules for regulating the actual law are needed.

Without accurate legislation, individuating those kinds of vessels can be very difficult or, from a different point of view, too easy. During the previous legislation, professionals were autonomous in recognising historical boats: there wasn't the obligatory presence of the ministerial body. On the opposite, nowadays, professionals can barely express without mistaking if not flanked by Superintendence.

Even if desirable, to apply architectural project and operative practices to nautical context is just as much complex.

Nowadays, intervention on boats, historical or not, is the result of the free will of owners, designers and boatyards; those are categories, the last in particular, very reluctant in welcoming changes or interferences in routine and working approaches that are consolidated and strengthened by the long experience of master shipwrights and boatyards themselves.

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<sup>5</sup> Law n.172-2003, since its promulgation, has been part of the conflictual debate between Ministry of Transport and the one of Cultural Heritage. The conflict brought to its extinction, then the law concepts went partially inside the *Codice dei Beni Culturali*.

<sup>6</sup> Cfr. *Associazione per il Recupero Imbarcazione d'Epoca*, further information on the website [<https://arie-italia.it/>] last consultation 15.02.2020.

Even when owner's sensitiveness together with designer's knowledge and experience will drive the boatyard through a 'good' restoration, that intervention could be different from the *dictat* of our legislation about Cultural Heritage. Besides, if the historical and cultural value of the boat is not proved, the owner has to be free to use it as he prefers. However, we can find a similar situation within the architectural context.

Nevertheless, despite the high number of legislative changes, the period of twenty years just passed has been actually profitable: the interest and dedication of nautical association operating in Italy (Zignego, 2018), the work of some officials of Regional Superintendence, the research and debate within Academics walls, allowed to active a dialogue between characters involved and to give the '*vincolo*' [Italian title given to goods of great value for declaring them of cultural interest] to ten boats or even more<sup>7</sup> (Rosato, 2011). A 'small number but big result' which shows for the first time a real and tangible interest. An interest that, despite some problems linked to the '*vincolo*' emission, can be considered the starting point for future development of protection and conservation actions for vessels. We should remember that boats, if compared with architecture, are made by ephemeral materials, such as wood. Also, their scope is to navigate and not to stay. For these reasons and maybe more, the interest declaration by Ministry [the '*vincolo*'] is a complex procedure, it can be sometimes counter-productive and quite difficult to be respected. From one hand, it can be considered the first step forward to a real and collective admission of historical vessels in Cultural Heritage, on the other hand, it should be reviewed and adapted to nautical needs identifying new strategies for protecting and giving value to historical boats without limiting or, even worse, preventing the scope of boats: sailing (Rosato, 2011).

### 3. Actions and Proposal by Italian Associations

The work of some very motivated pioneers brought, in the recent years, to an interesting debate on enhancement and protection of historical vessels, underlining some critical points which emerge also in the present paper:

- unique definition, starting from Cultural Heritage terminology, of some words such as historical value or interest, historical boats, traditional, classical, vintage vessel;
- need for defining and classifying vessels which yearn for being titled Cultural Heritage;
- need for specific legislative regulation written for the nautical sector;
- need for moving away historical vessel from the idea of luxury, in addition, advertising the possible application of economic benefits deriving from the Cultural Heritage title to that kind of vessels.

For example, following the desired regulation for the nautical case, Association Vele Storiche Viareggio (VSV)<sup>8</sup>, in 2018 proposed a law that never acquired legal value. That draft, *Norme per le imbarcazioni d'epoca e di interesse storico*, was composed by many articles. Here, the first and the second one:

«Art.1 Definition of vessels of historical value or interest

1. Under this law, vessels with Italian flag built at least 50 years ago, are considered of historical interest.
2. Under this law, vessels with Italian flag built at least 25 years ago, are considered of historical value.
3. Vessels must have the Italian flag and be characterized by at least one of the requisites of art. 2.
4. Those characteristics must be certified by one of the Associations registered in the Ministry of Cultural Heritage.

Art. 2. Common protocols to vessels of historical value and interest

1. Regardless of age requisites, vessels must have at least one of the following requisites to be considered of historical value or interest;
  - a) the vessel was originally built or designed following innovative criteria;
  - b) the vessel is well conserved and its condition is historically correct;
  - c) the vessel is peculiar for the type of construction, accuracy of construction or for the choice of materials;

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<sup>7</sup> The ship *Cariddi* and the lance *Saviolina e Maria Assunta* (declared of cultural interest in 1993 also thanks to D.Lgs n.1089-1939), the leudi *Dominica Nina* (known as San Marco and declared of cultural interest in 1999) and *Ferdinando Bregante*, the crane *Maestrato* (declared of cultural interest in 2002), the 8M SI *Italia* (declared of cultural interest in 2002), the trabaccolo *L'isola d'oro*, the gozzo *Pianosa*, the comacina *Riccardo I*, the yacht *Oklahoma*, two Sicilian fishing vessels and, finally, the schooner *Il Leone di Caprera* recovered thanks to the association ARIE.

<sup>8</sup> Cfr. *Vele Storiche Viareggio* further information on the website [<https://velestoricheviareggio.org/>] last consultation 15.02.2020.

- d) the vessel reached a sportive or technical goal or participated in important event reaching any kind of fame within the maritime or sportive context.
- e) the vessel has historical value or interest thanks to the fame of its owner;
- f) the vessel actively contributed to the social or economic development of our country;
- g) the vessel is a perfect reproduction of a historical vessel and it is used as subsidiary, illustrative or didactical tool» (Giacinti e Fani, 2009).

The Association -together with the law draft and with the collaboration of Guido Rosato, functionary of the Genoese Superintendence- proposed the institution of a register, *Registro Imbarcazioni d'Epoca* (RIE), with the aim of having a unique list of Italian Nautical Heritage and for disseminating a culture «having the conservation and, therefore, maintenance of navigation, of boats which represent a piece of our history and culture as the main goal» (Giacinti, 2014).

Those actions just mentioned are of fundamental importance but, a little lexical contradiction exists: the law draft means to use the terms 'value' and 'interest', instead of vintage, getting closer the *Barcelona Charter* traditional words; the register prefers 'vintage' usually strictly linked to 'classic', both terms referred to the yacht's world or to the 'ladies of the sea' that made the history of yachting, reason why people used to save traditional or working boats are often disappointed hearing those words.

#### 4. Comparison between the Academy Research and the Local Good Practices

The group of research of nautical disciplines of the Architecture and Design Department of the University of Genoa (DAD), come into the scenario shown in the previous chapters and starts the research project called *Nautical Heritage*, a continuous and multifaceted project which, from 2014, sees the direct collaborations of national bodies and associations. The group worked for connecting, sharing, adopting, reworking knowledge and, after that, proposing a new sharable and common methodology for recognising officially (and culturally as well) the Cultural Navigating Heritage (Morozzo, 2014).

Therefore, a classification of historical boats which integrated the proposal of the previous period of ten years started. The work has been conducted together with national bodies like museums or associations. On the one hand, we identified common parameters needed for a unique census of Italian Nautical Heritage, on the other hand, we introduced a terminology borrowing traditional nautical glossary and technical definitions belonging to legislation too. The last is considered essential for starting dialogue with institutions.

Two definitions related to both D.Lgs n.42-2004 and Viareggio's proposal of 2008 prevail over the diffused terms of 'vintage' and 'classic': we can finally commonly speak about 'heritage' vessels using an all-inclusive term which can be then declined into vessels of 'historical interest' and vessels of 'historical value'<sup>9</sup>. That choice, which was initially quite hard to be introduced and adopted by the most, is the most balanced in relation to the numerosity and the different type of boats present within the Italian Nautical Heritage.

The lasts are terms that, without denying the epithets most popular among lovers of these vessels, incorporate and decline the boats themselves into renewed definitions that enhance their history rather than their belonging to a specific family.

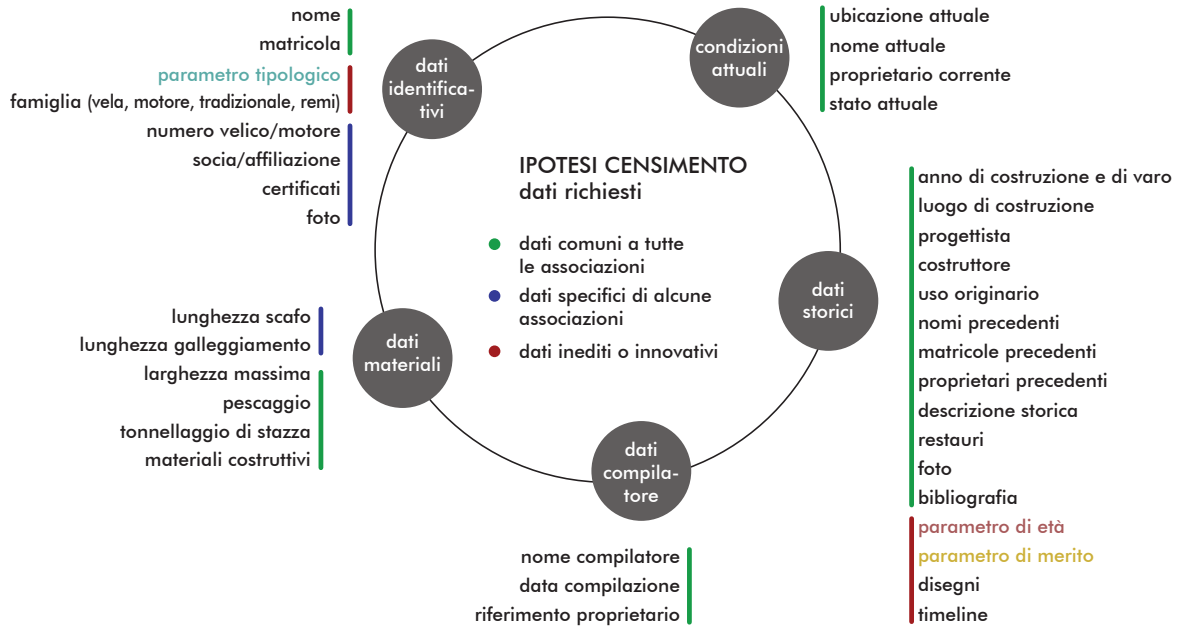
Later, the project *Per un Portale del Nautical Heritage* (Morozzo, 2018) has been started. The last, sponsored by Association of Mediterranean Maritime Museums (AMMM)<sup>10</sup> and Yacht Club Italiano (YCI)<sup>11</sup> and in collaboration with many Italian associations, further transmitted fruitful dialogues between the Academy, legislative bodies, museums and associations. The project reached a very high level of census criteria and started the publication of the unique Italian catalogue of heritage vessels.

Finally, within the same Department (DAD) of the University of Genoa, the academic activities of the PhD in Architecture and Design started a line of research aimed to define a methodology for conserving and restoring historical vessels (Zappia, 2019).

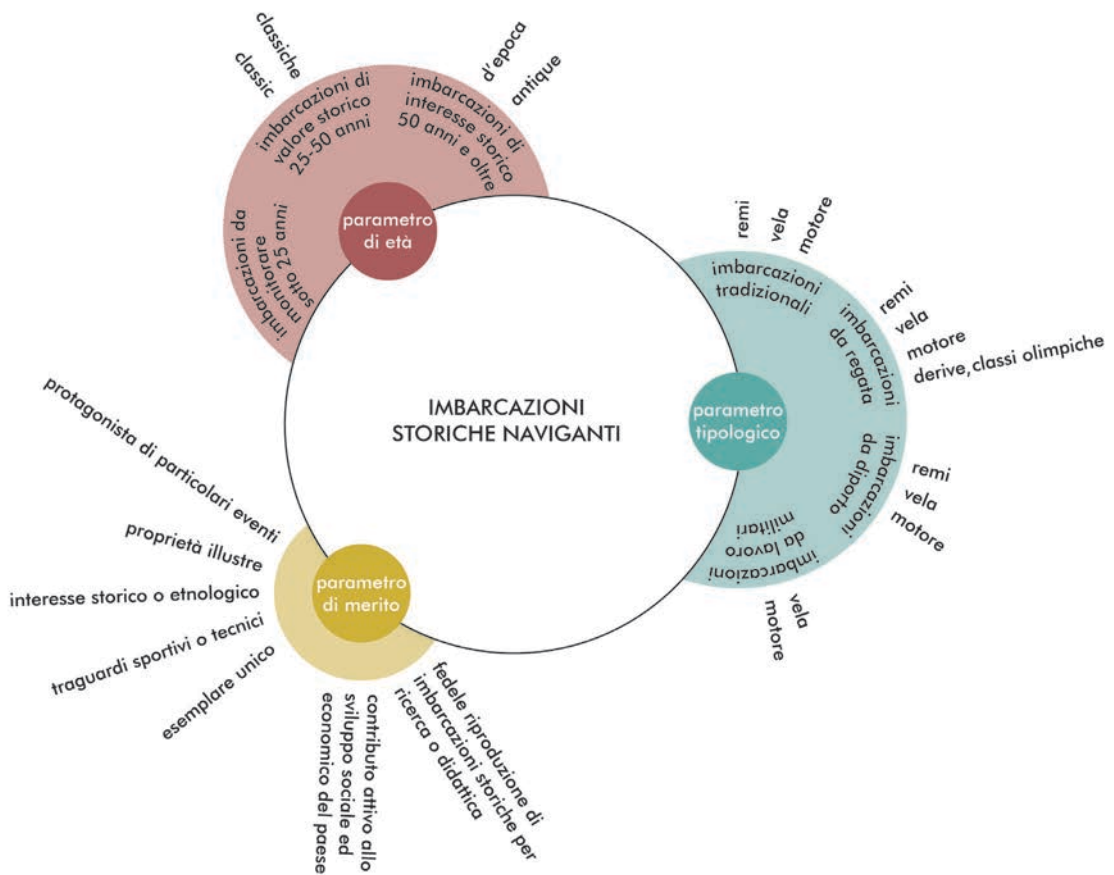
<sup>9</sup> The hierarchical place of 'interest' and 'value' is not casual. It derives from D.Lgs n.42-2004 that declares cultural goods that has to be protected of cultural interest instead of cultural value.

<sup>10</sup> Cfr. *Associazione dei Musei Marittimi del Mediterraneo* further information on the website [<http://www.ammm-info.net/index.php/it/>] last consultation 15.02.2020.

<sup>11</sup> Cfr. *Yacht Club Italiano* further information on the website [<https://www.yachtclubitaliano.it/it/index.html>] last consultation 15.02.2020.



**Fig. 4:** Graphic composition of parameters for identifying historical navigating vessels or Nautical Heritage (MOROZZO DELLA ROCCA, Maria Carola e ZAPPIA, Giulia).



**Fig. 5:** Graphic composition of parameters for the unique census of Nautical Heritage (MOROZZO DELLA ROCCA, Maria Carola e ZAPPIA, Giulia).



## 5. Critical Thought and Possible Goals

The paper shows clearly the heterogeneity of Italian Nautical Heritage and the big gap between the last and the Cultural Heritage and its rules. Then, needs of enhancement and protection have to be rethought and well contextualised.

Italian reality needs to be studied from at least four different points of view:

- identification and census of the good;
- diffusion of a common and unequivocal glossary as same for Ministry and legislation as for operative professionals;
- definition of new and appropriate for the context legislation;
- formalisation and spread of correct methodology for recovering and restoring nautical goods characterised by demonstrated historical value or interest.

After the shared dialogue described in the previous chapters, we hope that the first two points of the list will soon reach a conclusion.

Furthermore, the research activity has the merit of the born of Federazione Italiana Barche Storiche (FIBaS), the Italian Federation that gathers many (hopefully in next future, all) Italian Associations engaged with historical vessels. Indeed, the Architecture and Design Department of the University of Genoa is founder and one of its scientific partners. FIBaS, founded in September 2019, has the main objective of being the national reference point for both small and big realities aimed to protect and promote historical vessels, becoming the voice of the Italian Nautical Heritage.

FIBaS, accepts the challenge of quantifying the Italian historical vessels and of having a confrontation with institutions, pursuing the goal of reaching applicable legislation, that is to satisfy the third point of the list.

Finally, the more recent line of research of the Genoese Academy, simultaneously and in collaboration with some Italian researchers (Bortolami, 2017, Zappia, 2019), tries to respond to the needs of the practice of nautical restoration: a project approach that has to be appropriate and keen in satisfying nautical needs and has also to be aware of the foreign good practices such as the English *National Historic Ship UK* (NHSUK)<sup>12</sup> and of the French *Bateaux d'Intérêt Patrimonial* (BIP)<sup>13</sup>.

Methodologies and disciplinary approaches which find in sensitivity in history and in respect of tradition the keywords for guiding restorations both for simple maintenance intervention (such as painting and cleaning operations) and complex intervention aimed to give back life to very damaged boats<sup>14</sup>.

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<sup>12</sup> Cfr. *National Historic Ship UK* further information on the website [<https://www.nationalhistoricships.org.uk>] last consultation 15.02.2020.

<sup>13</sup> Cfr. *Patrimoine Maritime et Fluvial* e Label *Bateaux d'Intérêt Patrimonial* further information on the website [<https://www.patrimoine-maritime-fluvial.org/navires-du-patrimoine/demande-de-labellisation/>] last consultation 15.02.2020.

<sup>14</sup> The paper is the result of the joint concept of its authors. Nevertheless, the sections “Legislative Scenario: Strength and Weakness of Laws to be Rethought” and “Comparison between the Academy Research and the Local Good Practices” are to be attributed to Maria Carola Morozzo della Rocca and the sections “Abstract”, “Introduction and Background”, “Actions and Proposal by Italian Associations”, “Critical Thought and Possible Goals” are to be attributed to Giulia Zappia. The publication of this paper is the outcome of a study developed with the support of FRA 2018 financing from the DAD – Architecture and Design Department of the University of Genoa’s Polytechnic School.

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