



STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

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WORKING GROUP ON THE EUROPEAN LANDSCAPE CONVENTION

LANDSCAPE AND DEMOCRACY

3rd Meeting

Draft Recommendation on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention

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Summary

1. The European Landscape Convention and the Recommendation CM/Rec(2008)3 of the Committee of Ministers to member States on the guidelines for the implementation of the European Landscape Convention state:

European Landscape Convention

“Each Party undertakes:

... c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph b above;” (Article 5 of the European Landscape Convention – General measures)

Recommendation CM/Rec(2008)3 of the Committee of Ministers to member states on the guidelines for the implementation of the European Landscape Convention

“A. Participation

The certainty that strengthening the relationship between the population and its living surroundings underpins sustainable development affects the whole process of landscape policy definition. Moreover, participation is regarded as an instrument for strengthening the identities of populations, which recognise themselves in their surroundings.

Public involvement, which may entail contradictions resulting from the diversity of the value systems espoused by the various social groups, should be regarded as enriching and as an opportunity to validate knowledge, and the definition of objectives and action.

Participation implies two-way communication from experts and scientists to the population and vice versa. The population possesses empirical knowledge (local and naturalistic knowledge) that may be useful in completing and contextualising specialist knowledge.

This also has an influence on “assessment” activity, understood as a dialectical comparison between analyses by experts and the values attached by the population to landscape, in the knowledge that different systems of “values” and “non-values” exist that may be well-entrenched or still in the process of definition; these value systems (universal, specific to national cultures, to local cultures, to each individual’s culture) belong to both scholarly culture and to popular culture: they are qualitative and not quantifiable and some of them are sometimes mutually opposed. The concept of participation involves taking into account the social perception of landscape and popular aspirations in choices regarding landscape protection, management and planning. In this sense, the concept of landscape proposed by the Convention implies an exercise in democracy whereby differences are accepted, common characteristics found and operational compromises eventually reached; these represent an alternative to the drawing up by experts of hierarchical classifications of landscape qualities.

The means of participation should be chosen by each state from among methods appropriate to the different problems identified, taking account of current consultation and comparison customs, the different administrative organisations, the characteristics of the various territorial situations, the types of operational instruments used, the scales of operation, and experience both past and present at international level. In any case, participation should involve all the relevant stakeholders: national, regional and local authorities, the population directly affected, the general public, non-governmental organisations, economic operators and landscape professionals and scientists.

Participation should be a feature of all the different phases in the processes of drawing up and implementing landscape policies, in particular those of landscape appraisal, definition of landscape quality objectives, decision-making and implementation of actions over time. Participation should also be regarded as a system for the mutual information of the relevant stakeholders. It is particularly

important that participation take place at all stages of implementation, from the initial knowledge phase through to the implementation of agreed actions - that is, in the execution of projects in which all relevant stakeholders have participated.

In defining the procedures for approval of choices, reference may be made to tried and tested processes such as consultation, public inquiries, information meetings and educational exhibitions. These processes may be used simultaneously”

2. The 7th Council of Europe Conference on the implementation of the European Landscape Convention (Strasbourg, 26-27 March 2013) stated that “Landscape and spatial development are important issues in any democratic society, and the European Landscape Convention was initiated for the reason of democracy and participation”.

The Working Group of the European Landscape Convention on “Landscape and democracy” decided, at its 2nd Meeting (Cf. Report CEP-CDCPP-WG (2016) 6E), on the preparation of the following document:

Draft Recommendation on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention.

This document was prepared by Mrs Liv Kirstine Mortensen and Mrs Maria José Festas, as members of the Working Group. In the preparation, they have used parts of the document CEP-CDCPP (2015)20 prepared by Mr Audun Moflag.

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Presentation of the draft Recommendation of the Committee of Ministers to member States on principles for the participation of the general public in the definition and implementation of the landscape policies, as defined in the European Landscape Convention

Introduction

The landscape is always changing – due to natural processes and/or human activity, the human activity being by far the most significant. The Convention does not aim to prevent changes: on the contrary, its measures are designed to ensure that the landscape changes are planned and managed in a way that realises the aspirations of the community.

Development, in particular spatial development, impacts our lives, maybe far more than we are aware, affecting everyone in society, regardless of age or background. It influences our choices concerning where and how to live, where to go to work or school, how to get there and subsequently what we happen to experience along the way. Of particular importance is the public realm – streets, public spaces and places of contact – their locality and atmosphere can often decide the character and quality of the communal interaction between individuals and groups.

To ensure balanced development spatial planning should be undertaken to:

- identify and enhance the high quality landscapes, favoured by the citizens;
- encourage a development, in which the inevitable changes result in quality environments and landscapes;
- control changes that would otherwise lead to an undesirable development.

Spatial planning that considers the landscape quality potential is particularly important as it encourages citizen involvement and active participation.

The knowledge, creativity and ingenuity of a population is ultimately the primary resource of a modern society. In a decentralised democracy, it is acknowledged that local challenges are most effectively met by local initiatives. Mobilisation of entrepreneurs, young people and voluntary associations has indeed brought new life to many communities.

With regard to landscape issues, people are not considered experts or non-experts. Professionals and citizens should all have equal status – regardless of academic, ethnical, social or cultural background. Everybody has a relationship of perception, understanding and experience of the place where they live or work.

Nor indeed does the landscape, according to the Convention, belong to one academic discipline alone, being a common meeting ground for a number of professions.

New approaches may emerge in our increasingly multi-cultural societies, where citizens come not alone from diverse cultural backgrounds, but also from very diverse landscape backgrounds. Sensitive, flexible and creative spatial planning approaches will be required to ensure that the shared communal landscape is not alien to a specific cultural population segment.

Active citizens and public participation bring new life and new approaches to the political debate. If people understand, accept and recognise the quality of their living environment, they are likely to defend it and pursue solutions that they will be happy with. In addition, voters who are aware of these issues will back their politicians, for example when facing developers who present glossy but unsustainable schemes which are likely to cause detrimental changes to their living environment.

Active public participation is likely to encourage and support political creativity and increase the range of realisable/conceivable decisions. The transparency, openness and good governance that is associated with active citizen participation can discourage attempts at bribery and corruption.

In this way, conflicts are prevented or solved in open, transparent and democratic processes. The consideration of spatial development and landscape is based on political reasoning and democratic debate – rather than being governed by developer profits, complicated legal procedures and court decisions.

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Aim of public participation

Enabling the general population (either directly or indirectly concerned) and other relevant stakeholders to play an active role in defining and implementing landscape policies, specifically in formulating, implementing and monitoring landscape quality objectives.

General principles

In the framework of the European Landscape Convention, participation:

- is a democratic process involving all the relevant stakeholders;
- is regarded as an instrument for strengthening the identities of populations which recognise themselves in their surroundings;
- respects the principle of subsidiarity, both in the sense that:
 - each Party is free to decide what methods and tools are appropriate for the process,
 - it should take place at the most appropriate level regarding the concerned decision-making authority;
- involves taking into account the social perception of landscape and popular aspirations in choices regarding landscape policies (protection, management, planning and rehabilitation);
- should take place at all phases of the processes of drawing up, implementing and assessing landscape policies;
- it is more than simple consultation, implying real involvement of those concerned;
- implies two-way communication from experts and scientists to the population and vice versa;
- all the participants have equal rights and duties during the procedure.

Stakeholders

National, regional and local authorities, the population directly and indirectly affected, the general public, non-governmental organisations, business community and professional organisations, landscape experts and scientists, either as individuals or organised groups.

Procedures

The participation procedures must be chosen by each Party from among methods and tools appropriate to the different problems identified, taking account of already existing procedures, the different

administrative organisations, the characteristics of the various territorial situations, the social and cultural background of the population, the types of operational instruments used, the scale and scope of operation.

Different processes, methods and tools, such as consultation, public inquiries, information meetings, exhibitions, videos, scenarios, etc, may be used individually or simultaneously.

National, regional and local authorities can participate in the procedure either as decision-makers or as concerned stakeholders.

Whenever the public participation related to landscape issues happens in the framework of policies with territorial impacts, in spatial development policy or in impact assessments (EIA and SEA), it must respect and conform to their existing rules and procedures, although respecting and allowing for the specificities of landscape issues.

Public participation procedure needs to be adequately prepared and disseminated both by the responsible authority and the concerned stakeholders, have a clear definition of the timings and phases involved and consider, if necessary, awareness-raising activities in order to be more effective.

Information

In order to be effective, public participation needs adequate, timely and easy to access information. If necessary, specific information may be prepared for awareness-raising activities preceding and during the public participation procedure.

The information provided should be both technical and non-technical and easy to understand by all who want to participate in the process. Care must be taken however to consider those not familiar with, or with no easy access to, digital or electronic means of communication.

Whenever there is sensitive information that cannot be disclosed, this should be publicly acknowledged.

Results of the public participation

All the results of the public participation (comments submitted, objections, additional or alternative proposals, etc) whether taken into consideration or not, must be made public, namely by means of a dedicated report. Whenever the results are not taken into consideration, this decision has to be justified.

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Draft Recommendation CM/Rec (2017) ... of the Committee of Ministers to member States on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, in the context of sustainable development

(Adopted by the Committee of Ministers on ... at the ...th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, by virtue of Article 15.b of the Statute of the Council of Europe;

Considering that the aim of the Council of Europe is to achieve a greater unity among its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity, cultural identity and the environment;

Taking into account that the Universal Declaration of Human Rights adopted in 1948 was an aspiration to guarantee both the basic necessities for survival and the spiritual, emotional and psychological needs that are quintessential to the human experience and that the landscape, with its tangible and intangible dimensions, overlaps with the rights that support both life and human dignity;

Considering that the landscape is now being redefined as a vital public good, breaking new ground for a dialogue on the convergence of landscape and human well-being;

Considering that active citizens require transparency and openness in planning and decision-making processes;

Recalling the “Nafplion Declaration: Promoting territorial democracy in spatial planning” (Resolution N.1, 16 CEMAT, Nafplion, 17 June 2014);

Considering that the European Landscape Convention offers the national, regional and local authorities a range of measures for the protection, management and planning of landscape (Articles 5 and 6);

Considering also that the European Landscape Convention states that each Party undertakes to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies (article 5-c);

Recalling the provisions of the European Landscape Convention indicating that landscape protection, management and planning entail rights and responsibilities for everyone;

Considering that strengthening the relationship between the population and its living surroundings underpins sustainable development and affects the whole process of landscape policy definition and implementation,

Recommends that governments of member States:

- take note of the interrelationships between the participation of the general public in the landscape policies and policies with territorial impacts and in spatial planning;
- recognise that active public participation is a key factor in ensuring human rights, democracy and a living environment;
- advise all levels of government in the Council of Europe member States to ensure that landscape concerns are included in sectoral policies with territorial impacts and in spatial planning with active public participation.

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