



## STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

Strasbourg, 30 September 2016

CEP-CDCPP-WG (2016) 9E

### **WORKING GROUP ON THE EUROPEAN LANDSCAPE CONVENTION**

#### *LANDSCAPE AND DEMOCRACY*

#### **3<sup>rd</sup> Meeting**

**Draft Recommendation on the contribution of the landscape approach, as  
defined in the European Landscape Convention, to the exercise of  
democracy and human rights, in a perspective of sustainable development**

Council of Europe Office, Paris

18-19 October 2016

*Secretariat document of the Council of Europe  
Democratic Institutions and Governance Department*

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

- 1) Issue paper (a conceptual report for reference) as asked for from the 8<sup>th</sup> Conference of the Council of Europe on the European Landscape Convention, on: Landscape and the European Landscape Convention’s contribution to democracy, human rights and sustainable development (CEP-CDCPP-WG (2016) 8E);*
- 2) Draft Recommendation on the contribution of the landscape approach, as defined in the European Landscape Convention, to the exercise of democracy and human rights, in a perspective of sustainable development, based on the issue paper (conceptual report for reference) (CEP-CDCPP-WG (2016) 9E).*

*These documents were prepared by Mr Michel Prieur, Professor Emeritus at the Faculty of Law of Limoges, and Mr Yves Luginbühl, Emeritus Research Director at the CNRS, France, in the capacity of Experts of the Council of Europe.*

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**Presentation of the draft Recommendation 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**

The draft recommendation is based on the arguments set out in the report on “The Contribution of Landscape and the European Landscape Convention to Democracy, Human Rights and Sustainable Development”. It aims to increase the visibility of the European Landscape Convention and strengthen its implementation by focusing on the Council of Europe’s intangible values in matters of democracy and human rights.

Drawing on the universal character of human rights, the forthcoming opening of the Convention to non-European States through the Protocol amending the European Landscape Convention offers a unique opportunity to demonstrate that the Landscape Convention provides a practical and living illustration of several human rights – health, well-being, dignity, the environment, education, participation and non-regression – that are applicable in relation to the landscape.

The spatial dimension of human rights, which is implemented through policies to protect, manage and plan landscapes, thereby contributes to strengthening intercultural integration, social cohesion, harmonious co-existence, education for democratic citizenship and environmental education.

From the standpoint of participatory democracy and the adoption and implementation of landscape policies, more precise procedures must be incorporated into urban and regional planning documents to take account of landscape issues.

Democracy also entails universal access to the landscape, as part of our shared natural and cultural heritage, without discrimination and in accordance with human dignity.

The media and non-governmental organisations must also develop information and awareness-raising activities, which are key elements of human rights education and education for democratic citizenship, concerning the role of landscape and the European Landscape Convention as dynamic and practical means of strengthening human rights and democracy.

The Council of Europe has developed special indicators relating to social cohesion and to culture and democracy, it should investigate the opportunity to enrich these indicators by inserting data on the Landscape Convention and its implementation.

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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 ...<sup>th</sup> 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;

Having regard to the European Landscape Convention (CETS No. 176), adopted by the Committee of Ministers on 19 July 2000, opened for signature by member States of the Council of Europe in Florence on 20 October 2000 and entered into force on 1 March 2004, comprising 38 States Parties and two signatory States;

Taking into consideration the Protocol amending the European Landscape Convention, adopted by the Committee of Ministers on 15 June 2016 at its 1260<sup>th</sup> meeting and opened for ratification, acceptance or approval on 1 August 2016;

Considering that, pursuant to this Protocol, the European Landscape Convention, which was already open to European non-member States of the Council of Europe, may be acceded to by non-European States and concern landscapes throughout the world;

Believing that the landscape can promote the sharing among peoples of an unshakeable commitment to the spiritual and moral values that underlie the principles of freedom and the rule of law, on which all genuine democracy is based, in accordance with the Preamble to the Statute of the Council of Europe;

Considering that protecting, managing and planning the landscape are fully consistent with the Council of Europe's aims of facilitating economic and social progress and realising human rights and fundamental freedoms, in accordance with Articles 1 *a.* and 1 *b.* of the Statute of the Council of Europe;

Wishing to draw attention to the contribution of the Council of Europe Landscape Convention to securing democracy and human rights, within the context of sustainable development;

Referring to the principles set out in Recommendation CM/Rec (2008) 3 of the Committee of Ministers to member States on the guidelines for implementation of the European Landscape Convention;

Emphasising in particular four points that are made in the Preamble to the Convention:

- the landscape contributes to human well-being,
- the landscape is a key element of individual and social well-being,
- the public wishes to enjoy high quality landscapes and to play an active part in their development,
- protecting, managing and planning the landscape entail rights and responsibilities for everyone;

Recalling that signatory States to the Convention wish to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment, and considering that the landscape has an important public interest role in the cultural, ecological,

environmental and social fields and that it constitutes a resource favourable to economic activity, whose appropriate protection, management and planning can contribute to job creation;

Noting that the Council of Europe Landscape Convention refers directly and expressly, in a number of contexts, to the local and regional dimension of human rights and that attention should be drawn to these interactions;

Having regard to the threats, pressures and obstacles sometimes faced by individuals or groups militating on behalf of human rights and the conservation and maintenance of significant or characteristic aspects of landscapes whose heritage value arises from their natural configuration and/or human intervention;

Considering that both the wording and the spirit of the Convention not only require States Parties to promote landscape protection, management and planning by means of appropriate legal instruments but also establish universal rights and obligations that make the Convention a key tool for implementing human rights and democracy;

Bearing in mind the recommendations and guidelines on landscape education adopted by the Committee of Ministers of the Council of Europe in accordance with the European Landscape Convention: on education in democratic citizenship, in application of the right to education and teaching laid down in Article 2 of Protocol No. 1 to the European Convention on Human Rights; on intercultural integration to promote living together and social cohesion in shared public spaces, in accordance with the principles of dignity and non-discrimination embodied in the Universal Declaration of Human Rights; and on human rights in culturally diverse societies:

- Recommendation CM/Rec (2014) 8 on promoting landscape awareness through education,
- Recommendation CM/Rec (2015) 7 on pedagogical material for landscape education in primary school,
- Recommendation CM/Rec (2002) 12 on education for democratic citizenship,
- Recommendation CM/Rec (2010) 7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education,
- Recommendation CM/Rec (2015) 1 on intercultural integration,
- Guidelines CM/Del/Dec (2016) 1249 on the protection and promotion of human rights in culturally diverse societies;

Wishing to pursue the work on the interactions between landscape, spatial planning, human rights and democracy undertaken by the 7<sup>th</sup> and 8<sup>th</sup> Council of Europe Conferences on the European Landscape Convention, held in Strasbourg on 26-27 March 2013 and 18-20 March 2015 (CEP-CDCPP (2013) 12E and CEP-CDCPP (2015) 34E);

Taking into account the establishment of the “Landscape and Democracy” Working Group in the 2015-2017 work programme for the implementation of the European Landscape Convention, as approved by the Steering Committee for Culture, Heritage and Landscape at its 4<sup>th</sup> meeting, held in Strasbourg on 1-3 June 2015 (CDCPP(2015)15), and the results of the working group’s activities (CEP-CDCPP-WG (2015) 37 and (2016) 6);

Recommends that governments of member States:

- a) implement the Council of Europe Landscape Convention as a universal instrument for the effective application of human rights, in particular the rights pertaining to health, to individual and social wellbeing, to the environment, to the natural and cultural heritage, to education and to non-discrimination;

- b) respect, protect and secure human rights in activities relating to landscape protection, management and planning;
- c) use the Landscape Convention to ensure that urban and regional planning instruments serve to strengthen ethical principles and democratic citizenship, via the rights to information and to direct participation for local inhabitants and the general public, local and regional authorities and other individuals and bodies concerned by the formulation and implementation of landscape policies;
- d) ensure that urban and regional planning documents specifically include detailed provisions on the democratic participation of everyone concerned throughout the process of drawing up and implementing landscape policies;
- e) ensure that the general public have effective access to and enjoyment of a high quality landscape;
- f) secure constant improvements to the landscape, according to the principle of environmental non-regression;
- g) make education in democratic citizenship, in close conjunction with human rights education, a priority objective of landscape policies, particularly in deprived urban areas, degraded areas and everyday landscapes;
- h) encourage the media and non-governmental organisations to draw on the Landscape Convention to promote education for citizenship;
- i) use the Landscape Convention and its implementing mechanisms as instruments of social cohesion, living together, cultural development and democracy, particularly in culturally diverse societies;
- j) consider the opportunity to incorporate the landscape into the Council of Europe methodological guide on social cohesion indicators and its Indicator Framework on Culture and Democracy (IFCD);

Instructs the Secretary General of the Council of Europe to transmit this Recommendation to:

- the governments of the States Parties to the European Landscape Convention,
- the Council of Europe member States that are signatories to the European Landscape Convention,
- the Council of Europe member States that are not parties to the European Landscape Convention,
- the Conference of International Non-Governmental Organisations of the Council of Europe,
- the European Union,
- international organisations,
- the media.

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