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**EUROPEAN LANDSCAPE CONVENTION
– Florence Convention –**

***FIRST CONFERENCE OF THE CONTRACTING
AND SIGNATORY STATES TO
THE EUROPEAN LANDSCAPE CONVENTION***

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**The role of local and regional authorities towards the adoption and
the implementation of the European Landscape Convention**

by

*Mr Moreno BUCCI
President of the Committee on Sustainable Development
of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE)*

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Mr Chairman, Ladies and Gentlemen,

By means of an introduction, I should like to convey the warmest thanks of the Congress of Local and Regional Authorities of the Council of Europe to the representatives of the member States and to the Secretariat-General of our Organisation for having taken the initiative to organise this Conference and to have succeeded in doing so quickly, in spite of the limited means at their disposal.

In our opinion, the quality of this event represents an appropriate response to the enthusiasm manifested by our member States upon the signature of the European Landscape Convention in October 2000.

This Conference equally constitutes an innovative initiative towards promoting the entry into force and the implementation of the conventions adopted under the auspices of the Council of Europe.

Having been at the origin of the European Landscape Convention, the Congress is at the same time proud and honoured to be able to continue to contribute to your activities in this field.

Respecting the principle of subsidiarity, it is ready to assume its responsibilities concerning the commitment of European local and regional authorities to protect, manage and plan landscapes within which our citizens live on a daily basis, and which for this reason, represent one of the main factors of their quality of life.

I. The European Landscape Convention : a proposal from local and regional elected representatives

In March 1994, a few weeks before the first plenary session of the Council of Europe's Congress of Local and Regional Authorities, the Standing Conference of Local and Regional Authorities of Europe, its predecessor, adopted Resolution 256 (1994) on the 3rd Conference of Mediterranean Regions. In this text, the Standing Conference invited the Congress "to draw up, on the basis of the Mediterranean Landscape Charter" – adopted in Seville by the Regions of Andalusia (Spain), Languedoc-Roussillon (France) and Tuscany (Italy) – "a framework convention on the management and protection of the natural and cultural landscape of Europe as a whole".

One year later, in response to the First Conference of European Environment Ministers (held in Dobříš in June 1991), the European Union's European Environment Agency published *Europe's Environment: The Dobříš Assessment*, an in-depth analysis of the current situation and prospects for the environment in a "Greater Europe". Chapter 8 of the Assessment deals with landscapes, and in its conclusions it formulates the wish that the Council of Europe should take the lead in drawing up a European convention on rural landscape.

In 1995, the IUCN published "Parks for Life: actions for protected areas in Europe" with the support, *inter alia*, of the Swedish Agency for Environment Protection, the Dutch Ministry of Agriculture, Regional Planning and Fisheries, the Norwegian Ministry of the Environment, the British Countryside Commission, the German Ministry of the Environment, Nature Conservation and Nuclear Reactor Safety, the French Ministry of the Environment and the World Wildlife Fund (WWF). This text recommends the implementation of an international Convention on Rural Landscape Protection in Europe, which would involve the Council of Europe.

In view of these recommendations, but also of the motivations now expressed in the Explanatory Report of the Convention, the Congress decided to draw up a draft European Landscape Convention to be adopted by the Council of Europe's Committee of Ministers. In order to draw up this text, in September 1994 the CLRAE set up an ad hoc Working Group, which was composed of members of the CLRAE's Chamber of Local Authorities and Chamber of Regions and met for the first time in November that same year. In accordance with the principle of consultation and participation, several international, national and regional bodies were invited to take part in the work of the Group. Among these were the Parliamentary Assembly and the Cultural Heritage Committee of the Council of Europe, the Council's Committee for Activities in the Field of Biological and Landscape Diversity, the UNESCO World Heritage Centre, the IUCN, the Committee of the Regions and the Commission of the European Union, the Bureau for the Pan-European Biological and Landscape Diversity Strategy and the Regions of Andalusia, Languedoc-Roussillon and Tuscany.

In view of the complex scientific nature of this subject and its varied treatment in national legislation, the Working Group drew up, as preparatory documents, a full version of the draft convention in non-legal language and a comparative study of European landscape laws. The study was prepared so as to clarify the legal situation and practices relating to landscape protection, management and planning in the Council member states.

In addition, the Working Group constantly referred during the course of its work to legal instruments which already exist in this field at national and international level. These include the UNESCO Convention on the Protection of the World Cultural and Natural Heritage, the Convention for the Protection of the Architectural Heritage of Europe, the Convention on the Conservation of European Wildlife and Natural Habitats, the European Convention for the Protection of the Archaeological Heritage, Committee of Ministers Recommendations 95(9) on the integrated conservation of cultural landscape areas as part of landscape policies and 79(9) concerning the identification and evaluation card for the protection of natural landscapes, the Mediterranean Landscape Charter, the EC Regulation on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, the EC Directive on the conservation of natural habitats and of wild flora and fauna, the EC Directive on the assessment of environmental effects, and other important legal instruments from national, Community and international sources.

Given the need for democracy and the specific nature, variety and scope of landscape values and of demands in this area, the working group organised two special hearings in Strasbourg, in November 1995 and March 1997, as part of its programme of consultation on the draft convention. The first, held on 8-9 November 1995, was attended by interested national and regional scientific bodies, both private and public, as well as European non-governmental organisations; the second, held on 24 March 1997, was destined for interested international organisations and regional authorities.

Following these hearings, at its 4th plenary session (Strasbourg, 3-5 June 1997) the CLRAE adopted the preliminary draft convention in its Resolution 53 (1997). The draft convention in non-legal language and the comparative study of European landscape laws mentioned above were included as appendices to the Resolution's explanatory memorandum.

On the same occasion, in Recommendation 31 (1997) the CLRAE requested the Council's Parliamentary Assembly to examine the preliminary draft convention as contained in

Resolution 53 (1997), to give an opinion and, if possible, to express its support. The same request for an opinion and support was made to the EU Committee of the Regions.

Furthermore, before recommending the adoption of the convention to the Committee of Ministers, the CLRAE decided, again in Resolution 53 (1997), to consult the representatives of the national ministries concerned. It therefore requested the working group to organise a Consultation Conference on behalf of those same ministerial representatives and major international and non-governmental organisations with technical expertise in landscape affairs.

Further to the invitation by the Italian Ministry of Cultural Heritage and Environmental Assets, this important conference took place in Florence (Italy) on 2-4 April 1998. The Tuscany Region also contributed to its organisation with the participation of the Florence Municipality.

The CLRAE succeeded, by means of this Consultation Conference, in bringing about constructive dialogue with the national authorities responsible for landscape affairs in the Council of Europe member states. More particularly, thanks to this open informal exchange of views between, on the one hand, the working group members and experts assisting them in drawing up the draft convention, and, on the other, representatives of the ministries responsible for landscape affairs, the CLRAE was able to gain an understanding of these states' requirements regarding the establishment of common rules on the protection, management and planning of their landscapes through international law.

On the basis of very encouraging results from the Florence Conference and the very positive opinion of the international bodies concerned¹ on the preliminary draft Convention, and taking account of the proposals put forward at the aforementioned Hearings, the working group drew up the final draft European Landscape Convention for the Congress' approval in the form of an official recommendation. This recommendation [40 (1998)] has been adopted by the CLRAE at its 5th plenary session (Strasbourg, 26-28 May 1998).

In particular, this text recommends that the Committee of Ministers:

- a. examine the draft European Landscape Convention prepared by the Congress with a view to adopting it as a Council of Europe convention if possible during the Common Heritage Campaign decided by the Heads of State and Government at their 2nd Summit held in Strasbourg in October 1997, taking account of the draft explanatory report on the draft convention, which is appended to the present explanatory memorandum;
- b. in view of the multidisciplinary nature of the subject matter of the draft European Landscape Convention, as part of the intergovernmental process of evaluating the draft convention, refer it concurrently to the Cultural Heritage Committee and to the Committee for the Activities of the Council of Europe in the Field of Biological and Landscape Diversity;

¹ The Council of Europe's Parliamentary Assembly and Cultural Heritage Committee, the European Union's Committee of the Regions, UNESCO's Cultural Heritage Committee, the World Commission on Protected Areas and the Commission on Environmental Law of the World Conservation Union (IUCN) presented their official opinion at the Florence Conference. On this occasion, a number of non-governmental organisations technically qualified in landscape issues also gave a favourable opinion on the preliminary draft Convention.

Recommendation 40 (1998) also calls on the Parliamentary Assembly of the Council of Europe to support the draft European Landscape Convention with a view to its adoption by the Committee of Ministers.

In accordance to the Congress Recommendation 40 (1998), with a view to examining the above mentioned draft, the Committee of Ministers referred it concurrently to the Cultural Heritage Committee and to the Committee for the Activities of the Council of Europe in the Field of Biological and Landscape Diversity.

In this framework, on the basis of the positive opinion of these committees, an intergovernmental drafting group - including representatives from the Parliamentary Assembly and the Congress - was entrusted by the Committee of Ministers with the preparation of the final version of the draft Convention on the basis of the Congress' initial draft.

Further to last formal modifications, the final version of the draft convention has been adopted by the Committee of Ministers on 19 July 2000. The European Landscape Convention was then officially opened for signature of the Council of Europe's members States in Florence – Italy, on 20 October 2000.

II. The role of local and regional authorities in the implementation of the European Landscape Convention at national level

The main conceptual basis of the European Landscape Convention, is that, where landscape is concerned, the public authorities's primary task is not to recognise the significance or beauty of a particular landscape, but to acknowledge, and consequently protect, a complex asset, namely every citizen's need to: establish a tangible and feeling relationship with the land, derive spiritual and physical benefits from this relationship, take part in determining the landscape features of the area they live in. This complex "landscape asset" thus consists in subjective terms of people's capacity to establish a tangible and feeling relationship with the land and in objective terms of the areas perceived through this relationship.

Landscape must thus become a legal concern primarily because of the relationship it generates between people and territory. Further to the entry into force of the convention, National laws will have to empower all citizens to establish this kind of relationship with the areas they live in. Then, once this relationship has been identified, recognised and protected, the law will have to protect those areas on the basis of the value assigned to them by the people who have formed the relationship. The level of legal – and therefore practical – protection (protection, management and/or planning) granted to these areas in landscape terms will have to be democratically decided with the population's aspirations in mind.

On the basis of this very innovatory conception, public authorities' responsibilities in the field of landscape are multifaceted and refer to different layers of governments and administrations. As set forth by the Convention, State authorities have the responsibility to recognise landscape in law as a public interest and therefore adopt general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of the landscape dimension of the entire national territory. These principles, strategies and guidelines should take the form of national landscape policies which, on the basis of the subsidiarity principle², should be implemented at regional and local and regional

² This principle is indirectly defined by the Council of Europe's European Charter of Local Self-Government,

level. In other words, landscape policies will have to be translated into specific measures which should be adopted at the level closest to the citizen wherever possible.

With this in mind, the role of local and regional public authorities in the field of landscape is of a paramount importance. However, the role of these authorities is not merely to implement decisions taken at a higher level.

Landscape quality became one of the main preoccupations of local communities as landscape represents the setting of people's everyday lives. Landscape is recognised by local communities as a key factor in the quality of local life and as an essential component of peoples' identities and of their cultural, social and economic development. Local communities therefore attach a growing importance to their surroundings. These can no longer be determined by a form of economic development that remains oblivious to the appearance of the areas it affects: they must at last reflect the real aspirations of the people who inhabit them. The quality of people's surroundings depends, among other things, on the feelings they derive from contemplating the landscape. People have come to realise that the quality and diversity of many landscapes are dwindling under the impact of a wide range of factors and that this trend is adversely affecting the quality of their daily lives.

This situation should allow local and regional authorities to play an active role when implementing national policies. The above authorities have the duty to inform and educate people on landscape values, to encourage them to *see* and *recognise* "their" landscape, *enjoy* it and, through local consultation procedures, *take part* in decision-making on how to protect it in reality. Each local community must be asked by the competent local authorities to decide about its own landscapes so that landscape throughout Europe can be protected according to its particular significance.

The form and degree of protection decided by local and regional authorities will vary considerably because it will have to allow for the type of landscape in question and for the citizens' democratically stated preferences. In this respect, one can conclude that landscape is really a matter for every citizen and lends itself to democratic treatment, particularly in terms of local and regional democracy.

Apart from the limits imposed by national policies and laws, the only limitation to the decision-making of local and regional authorities refers to landscapes representing a national or European interest. In this case, the competent local and regional authorities have to respect the decisions already taken at national or European level and cannot intervene on the landscape concerned without a specific authorisation by the higher competent authorities.

In particular, regions, in their position of intermediary authorities between local and the State authorities, should try to make the necessary co-ordination between national landscape policies and the very different measures implemented by towns and cities at local level in the field of spatial planning. Without this regional co-ordination, many local interests would conflict with the principles, strategies and guidelines set forth by the State authorities at national level.

which provides in Article 4.3 that "Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy".