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LANDSCAPE AND ETHICS

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The Conference is invited to examine the report prepared in the framework of the CoE Work Programme of the European Landscape Convention 2007-2008 and in particular its conclusions, and to decide on possible follow-up.

Abstract

Nowadays major transformations of the landscape are human induced. Consequently, any environmental or rapid social and cultural changes are interconnected with the moral aspects of landscape management. By applying the ethics concept certain ethical principles and their application to practical behaviour are examined. The fundamental ethical provisions in any society are fixed in the legislation, tradition and religion. In practice, legislation does not regulate either the existing or emerging diversity of all civic rights in relation to the landscape use and development: first, it is a rather rigid instrument derived from formal logics; second, it usually serves individual or corporate interests rather than communal or social requirements; and finally, the generalised conceptual structure of the law is not flexible enough. Ethics is a much finer instrument for regulation of social relations. Operational use of this resource along with legal capacity building is an important means for the protection of individual and collective rights in landscape preservation and management.

Customary law based on traditions is enforced and accepted as formal legislation in traditional societies. During the modernisation period, the group using landscape for its subsistence usually suffers first and either lacks access to land or is deprived of its resources. All indigenous peoples and their communities are included in this group as their ethnic identity is rooted in landscape conditions. All urban and rural dwellers, when they express a wish to continue their traditional lifestyle and resist the principal modernisation of their conservative environment, experience a real shock when construction development or land privatisation processes intrude and destroy their habitual landscapes. This major conflict is not resolved because the economy as a sphere of human activity dominates in the decision-making and political processes. Acceptance of the ethical norms of customary law being on a par with governmental legal acts is a key element in the progress of human society towards harmonised spatial development and recognition of landscape values in the globalisation process.

Preservation of landscape values for present or future generations is viewed as one of the most important ethical norms. If the national system of heritage sites includes proper representation of landscape phenomena this is clear evidence of the respect and ethically developed understanding of landscape values in national governance.

Landscape values are revealed and appreciated through studies of the local community history, resulting also in the comprehensive ethical policy for future landscape management. Public polls and inquiries on landscape development perspectives and desired lifestyle and environment are important tools for the adoption of ethically and socially accepted decisions.

Through them ethics becomes an extra-legal and non-political instrument for landscape preservation. Partnership of the civil society and authorities in the elaboration and implementation of landscape policy is evidence of the proper consideration and high respect of different social interests and public views, and reflection of the maturity of democratic and ethical procedures in state and public interrelations. However, there exists a conflict between the perceptions of values and utility, reflecting contradictions in human development, when one part of the society offers an intellectual assessment and endorsement of the historical qualities, in opposition to the landscape transformation, while the other part seeks new development models based on space and resource use, supporting in this way total landscape conversion. An important ethical dilemma lies in the basis of this conflict: who has the right to the landscape (or environment in the wider sense) future – the capital owners, who are able 'to buy' the landscape elements or fragments as a property, the elites, who have the political and legal powers obtained through economic support, or the historical heirs dwelling in the landscape and protecting its values by established ethical norms? Economic considerations and needs are to be continuously ethically tested and assessed: taking into account social and ecological imperatives is a primary objective. Ethics is a safeguard against conflict in the adoption of landscape development models, so ethical and environmental constraints shall be recognised as an inalienable part of the landscape development process.

New stereotypes of living and technological innovations, emerging in post-modern civilisation, may lead to the considerable enhancement of the landscape values. Creative environment, nature as a source of technological progress, everything that is connected to human involvement and existence in the landscape makes it more treasured and, therefore, ethical assessments are more in demand.

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Landscapes are spatially dynamic natural units that constantly undergo various upheavals. In the post-modern era the main changes to them have been the result of human activity. Humankind has been forever developing, reworking and adapting the near and distant environment to create an *oikos* (home) in its own inhabited space (*Oecumena*). Natural systems adjust to this impact either through continuous structural changes or through local ecological crises if the rate and scale of transformation overcome the resilience of the ecosystem. Like natural systems, social systems might gradually develop, change and replenish their structure and properties or agonise in revolutionary transitions and generate new, more viable, social structures.

This process usually triggers a redistribution of both individual and collective rights and status of the population and ethnic strata. Some groups or entire ethnic communities survive despite a lack of essential resources or loss of traditional lifestyle, develop tolerance to the new values and eventually revive with a new world view. Consequently, any environmental change or active social and cultural transformation is intertwined with the ethical problems and/or moral aspects of landscape management.

When we try to understand the term 'morality', we must note first of all that the morality concept combines two ideas of civilisational culture – an ideal and reality, and reality makes the ideal attainable through multiple moral choices and actions. The problems of morality are studied via ethics. In this paper *ethics* is used to refer to a part of philosophy which scientifically studies the basis of right and wrong whereas *morality* refers to practical values and beliefs about what is right or wrong, and good or bad. Ethics is a science, whereas morality operates in day-to-day life. These concepts are often used as synonyms and the subsequent terms are used interchangeably. By applying the ethics concept we can emphasise that we are examining certain ethical principles and their application to practical behaviour. However, ethics should not be understood in a very limited sense. Ethics involves principles but also their interpretation, choice and action.

Ethics as a system of moral norms effectively controls social relations. It is the crucial indicator of social and ecological development and might have a significant impact on economic and commercial imperatives. Moral norms are partially fixed in legislation; in particular, they are reflected in the constitutional basis of societal life. Ethics largely subsists in customary law and in the order of mainstream religious faiths. Customary law in landscape management, our primary concern, is particularly well developed in traditional communities and societies but is also frequently referred to in relation to professional, corporate or other types of ethics in civic life. In this way, legislation, tradition and religion usually form the fundamental ethical provisions in any society.

Social relations and conflict resolution are formally regulated through various legal norms fixed in legislation. Accordingly, many legal norms reflect ethical norms of society, in particular, civil norms. For example, Russia's Constitution sets forth the obligation of every civilian to protect the historical and cultural heritage (Article 44), while cultural heritage (according to Federal Law No.73, Article 3) might incorporate cultural and natural landscapes along with other sites. This means that the State's citizens are under obligation to take care of rural landscapes, which reflects an accepted system of values and might be considered as a legally binding ethical norm. However, the legislation does not regulate either existing or emerging diversity of all civic rights in relation to landscape use and development. Legislation is a rather sketchy instrument built up through the application of the formal logic technique. It is frequently appropriated by commercial projects where it serves individual or corporate interests rather than communal or social ones. Finally, legislation is formed by professional lawyers aiming to minimise objective tools and has a generalised conceptual structure for broader application of the adopted legal acts, as these arrangements protect legislation from systematic revisions. This forms a vicious circle of legal procedure, when the aim serves the means, as a caste of professional jurists defines the essence of legal rights and approves elitist decision-making. Such absurdity can be eliminated by the use of ethical norms of customary law for conflict resolution in the social or spiritual sphere, where legal regulations are lacking or not applicable. Ethics is a much finer instrument for regulating social relations. The updating of this resource, together with legal capacity

building, might be an important means of protecting individual and collective rights in the area of landscape preservation and management.

Customary law is established by the customs of any community and in traditional societies it is enforced and accepted as formal legislation. Customary law is sufficiently constant and conservative, and a lack of understanding of how it works might lead to inadequacy or collapse of the governing regulations. Ethical norms of the various communities reflected in customary law might clash, leading to dangerous conflicts. In this situation the party which usually uses the landscape for its subsistence suffers from the rapid upheaval and either lacks access to the land or is deprived of its resources. All indigenous peoples and their communities are included in this group as their ethnic identity is rooted in the landscape conditions. But urban and rural dwellers of any nation may find themselves to be a wronged party when they express a wish to continue their traditional lifestyle and resist sweeping modernisation of their conservative habits. In fact, these people experience a real drama when rapid transformations of the territory related to building development or the land privatisation process intrude and destroy the landscape that habitually surrounds them. The values of corporations, companies and holdings in the modern economy with unrestricted capital growth and economic development are considered more 'important' than the values of communities and their traditional landscapes. Landscape values are partially recognised in use as a recreational resource, as cultural landscapes or pristine natural areas are becoming increasingly attractive and valuable in monetary terms. But this major conflict is unresolved because the economy as a sphere of human activity dominates decision-making and eventually destroys the most valuable landscapes. Acceptance that the ethical norms of customary law are on a par with governmental legal acts is a key element in the progress of human society towards harmonised spatial development and recognition of landscape values in the globalisation process.

Religious ethics primarily defines the interrelation of the society and the landscape, man and the landscape, community and the environment, and its principles are fairly influential, with humankind discovering and perceiving the divine world through landscape beauty and diversity. Different religions have their own specific claims as to the roles and interrelations of man and environment in human life and this is to be taken into consideration when developing landscape management strategies in various countries. Christian ethics postulates human responsibility and care for developed land in order to beautify and transform it into nourishing and flourishing landscape. Christian ethics focuses on the idea of transfiguration and Christian countries' landscapes include primarily hand-made elements and intense creative fieldwork. Buddhist ethics focuses more on perception and observation as its basis, acknowledges the natural order with all living forms and consequently seeks to support the natural assets of the landscape and a caring attitude towards the entire natural world and all living creatures. Shamanism or beliefs of pagan peoples populate landscapes with a whole system of spirits and attribute personal qualities to landscape elements or components, postulating the sacrosanct nature of the landscape and calling for careful treatment of its resources, seen as gifts. Each religion or faith has its particular values fixed in ethical norms, and these are inevitably reflected in the landscapes and their management.

Preservation of landscape values for present or future generations might be viewed as one of the most important ethical norms. This aspect refers directly to the policy of cultural and natural heritage preservation. If the national system of heritage sites includes proper representation of landscape phenomena it is clear evidence of respect for and ethically developed understanding of the landscape's importance in national governance, and consequently high esteem of the landscape's heirs and guardians. Landscape as a heritage site is inextricably linked to history, creative work and Creator. Cultural heritage is formed in the *locales* (places) where history has been enriched by man's activities and/or human creative potential has been thoroughly applied in exploring the space. Natural heritage is particularly well exposed in sacred sites, and sacral natural landscapes are often placed within the sphere of higher religious establishments according to specific ethical, aesthetic or ecological considerations and criteria.

Landscape values and key components are revealed and appreciated through studies of the landscape and local community history, which are also the source of a comprehensive ethical policy for future landscape management. At the same time it is important to prevent manipulation through the use of specific historical facts aimed at achieving corporate goals, which are generally in contradiction to social norms, ethical considerations and accepted public behaviour. Public polls and surveys on how landscape is to be developed and what lifestyle and environment are desired are important tools for establishing ethically and socially approved decisions. At the same time, we should be aware that ethical discussion is easily transformed into moralistic discussion, and as such used as a device of power politics.

Landscape, subsistence, and language as well as culture are very easily destroyed or deformed but they cannot be constructed or projected. They emerge in the process of self-evolution which may be influenced by different factors including ethical considerations. Ideologies *per se* are indifferent to the landscape, while landscape-oriented ideologies might convey xenophobic ideas. The same danger exists where culture becomes an operative component of ideology. In connection to this we should mention political landscapes in the context of international affairs.

It is traditionally thought that international relations and ethics have little in common. Ethics is thought to be mainly part of individual behaviour, which could hardly apply to sovereign States. In the international realm it is mainly national interest that makes States act, not any norms of morality. Indeed, there are no universal moral norms. Each State follows its own norms of behaviour. Furthermore, all recognised universal norms are generally idealistic constructions that in practice may be controlled only by influential international organisations (though the fact that they are established is an acknowledgement that norms are very frequently violated in national and international practice).

Political regions, such as the wealthy North or poor South, post-communist East or Eurasia, as they are referred to in international affairs, are not only geopolitical units, they are also landscapes configured by specific cultural and ethical assumptions. Globalisation has a deeper impact on individual and collective behaviour. The media have shortened the distances between different parts of the globe, giving people more information about what used to be such distant events and problems. In the global environment the dividing line between domestic and foreign affairs is gradually disappearing, giving rise to stronger interdependency of States. Ethical behaviour is no longer limited to national or state borders but reaches worldwide. While international morality does not comprise a complete ethical system, it could offer at least some widely accepted moral norms. When common moral language is found and some principles set, there is a basis for ethical assessment of actions in the arena of international affairs. Traditions of international relations are based on the idea of human beings as autonomous, rational moral agents. In their mutual dealings human beings respect each other's equal rights. The relationship with others is always morally situated.

The players at international level include not only a nation State's government but also governmental or non-governmental organisations and individuals. Nowadays the number of non-governmental and multinational players in international affairs has increased significantly. Even local communities or small ethnic groups in some cases have built up their capacity to take part in the international decision-making process. The role of non-governmental organisations is rapidly expanding, particularly in ethical matters. These developments have affected our vision of the players in global and regional political landscapes.

International agreements and conventions are major tools for ethically coordinated decisions. The European Landscape Convention, targeting the preservation and harmonious development of landscapes in Europe, is of direct relevance for resolving the ethical problems emerging as a result of the rapid spatial transformation of national territories. Proactive treatment of the landscape and the subsequent legal formulas adequately fix contemporary understanding of the landscape and its common values. This perception reflects a system of motivations – what are the needs of society in relation to the landscape? Finally, society agrees to common actions regarding the landscape. All these stages are ethically tested and approved. The convention preamble states that landscape is ‘a

resource favourable to economic activity’, ‘a basic component of the European natural and cultural heritage’, ‘an important part of the quality of life for people’, ‘a key element of individual and social well-being’ – all these predicates are programming the attitude of society towards the landscape and identifying the ethical basis of their interaction, basing their arguments on recognition of the relevant landscape qualities. Further in the Convention preamble, it is stated that the public wishes ‘to enjoy high quality landscapes and to play an active role in the development of landscapes’, that landscape protection and management can ‘contribute to job creation’, that landscape contributes to ‘formation of local cultures... human well-being and consolidation of European identity’. These positions reflect a number of public claims, expectations and requirements in relation to landscape and they are articulated on the basis of social ethical norms. Finally, an argument that landscape ‘protection, management and planning entail rights and responsibilities for everyone’ is to be recognised as the fundamental ethical norm in the Convention. In Article 5 of the Convention the following actions are prescribed as legally binding undertakings of the signatory parties:

- a. ‘to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
- b. ‘to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures...’, which include informing the public on the values of the landscape, training the relevant specialists, school and university education and landscape identification and assessment;
- 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’;
- d. ‘to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape’.

Accepting these public responsibilities is an ethical procedure. The obligations in the Convention assign to the State as party to the Convention the task of protecting landscapes through a special law and specific policies. Compulsory participation of civil society and authorities in the framing and implementation of landscape policy is evidence of the due consideration and high degree of respect for different social interests and public views, and reflects the maturity of democratic and ethical procedures in state and public interrelations.

Russia has not yet signed the European Landscape Convention, but it carries the responsibilities of a signatory party for implementing the Convention on Biological Diversity, adopted in Rio de Janeiro in 1992 at the UN Conference on Environment and Sustainable Development. In this Convention Article 8j stipulates that the parties are to ‘respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices’. A number of activities have been carried out to implement this article around the world, including setting up various ethical codes or rules of conduct for industrial companies or different development projects linked to local communities.

Under this Convention, two documents of major international importance were debated and agreed in 2001 at the Russian Forum on Nature Conservation, namely the National Strategy and National Plan of Action on Russia’s Biodiversity Protection. These documents were primarily geared to conserving biological diversity in the different types of protected natural areas. However, the National Strategy singles out landscapes among the components of the system of protected natural areas, including forms such as ‘cultural landscape, natural-cultural spatial complex and/or historic-cultural territory’. Biodiversity conservation cannot be achieved without preserving cultural landscapes as key habitats for species, communities and ecosystems. These documents are of major conceptual importance, as

until recently culture was interpreted solely as a negative factor in the impact on nature and biodiversity.

However, the Russian term ‘zapovednik’, the category of strictly protected natural area, originates from the word *zapoved* meaning *testament* in the biblical sense. *Zapoved* is an oral message from ancestors to the present and future generations imposing a supreme moral responsibility on people in their communal life. The term is a clear demonstration of the moral roots of nature protection in society and cultural tradition. Natural ecosystems, having evolved under the impact of human activity over many centuries, are placed in the rare state classification category governed by the *zapovednik* regime. Strict protection excludes any human interference thus launching a new type of ecosystem, a phenomenon that previously did not exist. Nevertheless, it is very important to preserve not an artificial ‘natural’ ecosystem or quasi-natural landscape but a historically evolved cultural landscape with a clearly expressed natural basis. Therefore, it is highly desirable to establish a new category of protected area existing alongside natural landscapes, where traditional land use systems are to be preserved in their continuity. This new category may represent territories where ethnic traditional subsistence is based on nature-conserving land use and oriented towards environment-friendly techniques of traditional hunting, livestock breeding, fishing and gathering.

In his innovative environmental approach to culture Russian academic Dmitry Likhachev coined a definition stating that the most important feature of culture is a ‘spiritual settlement’ of the individual. Through this settlement landscape becomes a person’s habitat where their spiritual energy and creative power is vividly expressed. Cultural landscapes are created over centuries; in their different transformations in the evolutionary process, they are shared by multiple players. As a rule, the society places emphasis on the landscape qualities inherited from the previous generations, frequently ignoring emerging new qualities, as the former are relict and vulnerable, while the latter are introduced by progressive and aggressive players. At the same time, there exists a conflict between the perceptions of values and utility. This conflict reflects the contradictions in human development, when one part of society offers an intellectual assessment and endorsement of the historical qualities, simultaneously opposing landscape transformation, while the other part looks for the new development models based on space and resource use, supporting active landscape conversion. Conservationists are always on the defensive against aggressive innovators. The former, as a rule, are the historical heirs of those who shaped the landscape, while the latter are predominantly newcomers in the residential population. Conservationists protect landscape on the basis of law with the emphasis on the heritage issues and/or ecological imperatives. Innovators ‘overcome’ legal restrictions due to ‘high passionarity’, concentration of efforts and target-oriented visions. Environmental change and landscape transformation are objective and essential processes; political institutions declaring environmental improvement as a means of human development gradually interchange the objective and means, as they strive to use the vehicle (environment and landscape) to arrive at the goal (human well-being) via detrimental alterations and clashes in the ecosystems and eventually in the biosphere. Sustainable development, understood as a process of harmonious interaction of spiritual, cultural, social, economic, environmental and political development spheres, in fact contains a conceptual conflict as a cultural or biological evolution is a relatively slow integrated process, while capital growth is linked to accelerated and unrestricted market activity. The economy conflicts with the environment both in time and space: capital growth requires speedy transformation of the landscape because of the constant need for natural resources, and as a result the chemical, visual, noise and physical pollution of the environment, climate change, biodiversity and cultural diversity losses, disjointed infrastructure and artificial sites negatively affect the human body and psyche, and eventually pose a threat to human nature and well-being. An important ethical problem lies at the base of this conflict: who has the right to the future of the landscape (or environment in the wider sense) – the capital owners, who are able to ‘buy’ the landscape elements or fragments as property, the elites, who have the decision-making and legal powers obtained through economic support, or the historical heirs dwelling on the landscape, protecting its values and *status quo* but lacking sufficient means to protect their land rights? What does the well-being of society mean? Is it luxury, comfort, health, money, financial and social status, technical facilities and private property? Or is it a modest lifestyle, no hunger, disease or psychological stress, security and access to tangible and intangible heritage, a

healthy environment, spiritual values, education and mutual respect? Members of society are not equal, so their rights will not be equal, and subsequently their rights (ethic principles) may not have equal values. On the basis of ethical considerations, the ancestors were tolerant to settlers on their landscapes, so their heirs should be tolerant to newcomers, but those newcomers, in turn, should respect the values of the indigenous landscape and not put it at risk of irreversible transition. The bearers of nomadic or traditional cultures that depend on cyclical use of the biotic resources in spacious geographical areas have a vital need for nature preservation and make every possible effort to protect landscape through intense sacralisation. Ethical norms require aboriginal peoples to be tolerant of the industrial companies that intrude and transform the vast spaces by infrastructure and resource extraction. But the companies should establish norms of ethical conduct towards the aboriginal communities and their environment; otherwise their industrial practices, with the destruction of the landscapes that provide livelihood, are tantamount to a policy of genocide. In the same way timber forestry or the building of industrial installations adjacent to rural settlements are depriving local communities of their traditional natural environment and their local cultural space, a part of their spiritual, cultural and social life that comes under threat from economic development.

Society has the task of choosing and deciding on landscape policy – which areas are to be placed under protection and which landscapes are to be transformed or allowed to evolve in the traditional way of life. Economic considerations and needs have to be continuously ethically tested and assessed, and taking social and ecological imperatives into account is a primary objective. Landscape ‘development’ is not necessarily synonymous with the multiplication of its functions or diverse transformations with resource extraction and processing, house-building and communication network expansion. Harmonious landscape development is about protecting and enhancing landscape assets, providing balanced solutions to existing problems and stimulating its historical preservation in the process of biological evolution. Ethics is a safeguard against conflict in the adoption of landscape development models, ensuring that ethical and environmental constraints are recognised as an inalienable part of the landscape development process.

New stereotypes of lifestyles and technological innovations emerging in post-modern civilisation, which are generally neutral in terms of landscape development, may result in considerable enhancement of landscape assets. These include, for example, the ‘domestication’ of work-places and teleworking, introduction of flexible technological systems based on the specific local environment, attaching prestige to healthy living and environmentally friendly production technologies, non-utilitarian, ecologically sustainable land use, computerised engineering of spatial images and a creative human environment – everything that is connected to human involvement and existence in the landscape. Landscape is becoming more valuable and, consequently, ethical assessments are more necessary than ever in all spheres - social, economic, personal and communicative.

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