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*Heritage and  
sustainable  
development*



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© Cover, Background: E. Kalt  
Vignette 1: The Agora of the  
Acropolis,

HP Merten/Pluriel

Vignette 2: Agricultural landscape

D. Delfino/Bios

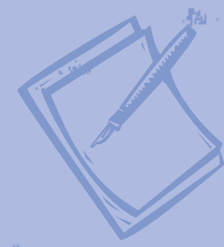
Vignette 3: Walkers

G. Schäfer

Below: Storks in Estramadura, Spain

S. Cordier





# Heritage and sustainable development



*The Statute of the Council of Europe adopted in London in 1949 says that the Organisation's aim is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their joint heritage and facilitating their economic and social progress. This aim is to be pursued by discussion of issues of joint concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters among others. The conservation of Europe's natural and cultural environment – its peoples' common heritage – very soon proved to be one of the major issues confronting Europe in the years ahead. The Council of Europe therefore paid special attention to the issue and initiated various activities on nature conservation and cultural property. Several basic legal instruments were adopted as a result: the Bern, Granada, Valetta, Lugano and Strasbourg conventions.*

*With its current membership of forty-four countries, the Council is now trying to take a comprehensive approach to sustainable development. A second generation of legal instruments is emerging, which seeks to strike a balance – and sometimes redress the balance – between the different components of sustainable development. Spatial planning links up with environmental protection and recognition of cultural values, and is viewed in terms of greater Europe, with an eye to social and political cohesion.*

*As required by the concept of sustainable development, the guiding principles for sustainable spatial development of the European continent, set out in a recent Committee of Ministers recommendation to member states, address the needs of all the inhabitants of Europe's regions without undermining the fundamental rights and development prospects of future generations. They aim to dovetail social and economic expectations to the requirements of land, with its ecological and cultural functions, and to contribute to balanced sustainable development on a large scale.*

*The Pan-European Biological and Landscape Diversity Strategy approved in 1995 by the Ministerial Conference on "An environment for Europe" is designed to encourage the pooling of initiatives, machinery, funds, scientific research programmes and existing information in order to preserve and improve biological and landscape diversity in Europe.*

*The European Landscape Convention, regarded as the first sustainable development convention, was opened for signature in Florence in October 2000. It says in its preamble that the Council of Europe member states are "concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment".*

*In this issue the Council of Europe has pleasure in presenting some of its activities which help to promote and implement the concept of sustainable development, bearing in mind the United Nations World Summit on Sustainable Development to be held in Johannesburg from 26 August to 4 September 2002. The Council is also breaking new ground in tending to recognise a form of "environmental human rights" through the case-law of its European Court of Human Rights. A recent Chamber judgment held that in the particularly sensitive area of the environment, a government cannot prevail over the rights of others simply on the grounds of the country's economic well-being. Governments must make every effort to reduce interference with the exercise of those rights to a minimum by seeking other solutions and, as a rule, trying to achieve their goals in ways that comply as fully as possible with human rights.*

*The idea is now to promote a form of "territorial intelligence" that will ensure spatial development while protecting the environment and preserving natural, cultural and landscape assets, so as to improve the quality of life and the well-being of the general public. The next European Conference of Ministers responsible for Regional Planning of the Council of Europe member states, in Ljubljana on 11 and 12 September 2003, will look into the spatial dimension of sustainable development.*

**Benoît Cardon de Lichtbuer**

*Ambassador Extraordinary and Plenipotentiary of Belgium to the Council of Europe  
Chair of the Rapporteur Group on Education, Culture, Sport and Youth (GR-C)  
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# Environment-led onslaught on poverty

The third United Nations World Summit on Sustainable Development will take place in Johannesburg in September. It could be the decade's best chance to win overall support for global environment and development targets. For this reason the government will be working to make sure that the summit does not end with a new stack of well-meaning resolutions, but a concrete and ambitious environment-led onslaught on poverty.

Negotiations ahead of the summit should already have resulted in a draft plan of action. Instead the process has got stuck in quicksand, as a representative of the environment movement phrased it a month ago. There is no text to say what problems are to be solved, how they are to be solved, and not least important, when they will be solved. But we will do our utmost to ensure that the summit nevertheless manages to translate words into actions.

Poverty is an overarching theme for the Johannesburg Summit, which means that environmental issues must be brought into sharp focus, firstly, because it is the poorest communities which are the hardest hit by greenhouse gas emissions, by diminishing global biodiversity and pollution of the air, water and soil, and secondly because the fight against poverty is impossible to win without a well-functioning ecosystem that meets humanity's most basic needs and therefore represents the very basis for development and rising living standards. Sustainable development is synonymous with an ambitious environmental policy.

The poor themselves must be ensured a voice in this policy. An environment-led onslaught is necessary to fulfil the poverty objectives of the UN's Millennium Declaration. That onslaught should be focused on a number of areas.

The summit marks the start of a decade in which global environmental agreements will be put into effect, whereas the 1990s was the decade in which such agreements, including those on climate change, biodiversity, chemicals, deserts and genetic resources from plants were negotiated. In the work to secure ratification of – and set a timetable for – the implementation of such agreements, voluntary organisations have pointed to Norway as being one of the progressive countries. In this area we meet particular opposition from the United States and a handful of other industrial nations, who have blocked efforts

to refer explicitly to climate change and biodiversity. At the same time many poor countries are negative towards efforts on the environmental front which are not simultaneously accompanied by clear promises with regard to funding.

One implementation measure, which Norway has received substantial backing for, is a specific strategy to assist poor countries' own efforts to fulfil their environmental obligations. To ensure the implementation of global environmental agreements we also feel it is necessary to strengthen the United Nations Environment Programme (UNEP). We have proposed the creation of a multilateral scientific panel on global environmental change, and we would like environmental issues to have a higher international and political profile through the appointment of a High Commissioner for the Environment. The earth's climate is an existential issue for a number of poor countries which have been devastated by environmental disasters. Norway will therefore work hard to ensure the summit adopts a resolution calling in unambiguous terms for the ratification of the Kyoto Protocol. Pressure must be brought to bear on those countries which are dragging their feet. It has very recently been confirmed that the Russian Federation will begin the ratification process. Hopefully, this could form the basis for further pressure on climate issues at the Johannesburg Summit.

Contaminated water and poor sanitation kill over 12 million people each year. Air pollution kills almost three million, with around 90 % of these deaths occurring in developing countries. On the chemicals front we have the chance to make real progress in Johannesburg. Although we have already made great strides in restricting the use of and emissions from certain organic substances, the overall use of chemical substances and products is increasing at an alarming rate. I therefore intend to propose that we set ourselves an ambitious target: to phase out lead in petrol and all emissions of non-degradable poisonous chemicals, as well as to start work on a global agreement to make a significant reduction in emissions of other heavy metals. If we could achieve agreement on this, it would be a major victory for the environment and, as a result, for our efforts to combat poverty.

These are just some of several important issues which we have to address in the short time before the politicians meet once

again for a summit on sustainable development – ten years after Rio.

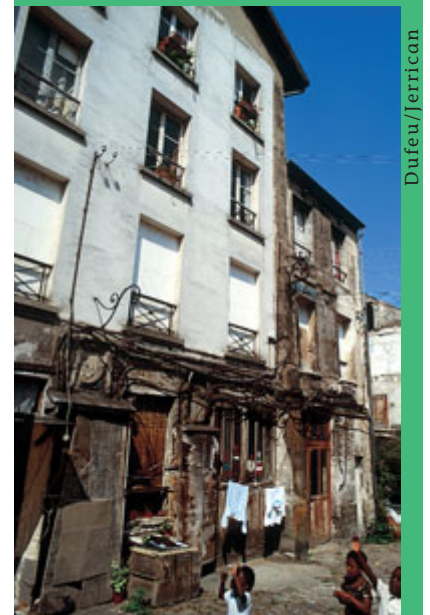
Environmental measures linked to food safety, genetic resources, sustainable manufacturing and consumption, and renewable energy must also be important items on the agenda.

In the run-up to Johannesburg, the process so far has been filled with many fine words, but little action. There is a lack of political will to make binding decisions, and a lack of will to contribute the necessary resources. Nevertheless, the goal for a conference of this kind can be no less than the launch of an ambitious and targeted environment-led onslaught on poverty. In the months ahead we will find out if it is possible to realise this ambition.

**Børge Brende**

*Environment Minister of Norway*

*Poverty on our doorstep*



# The Bern Convention



“One day, the inexhaustible assets that nature provided unstintingly to human beings came to be called natural resources: they were beginning to be in short supply.”

This statement, which I once read somewhere but whose author I cannot recall, encapsulates what is a burning issue as the Johannesburg Summit approaches, at a time when there is a serious risk that human beings will take it upon themselves to manage the planet as if it were an enormous experimental greenhouse.

To continue with the history of words and ideas, the human species, as if to atone for its irrational exploitation of the planet and its desire to appropriate all areas that were still in any way natural, invented the concept of the management of natural resources – although it did on occasion reluctantly agree to include the notion of conservation. But do the human beings of today have the skills and knowledge to manage these resources? Are they not appropriating a potential, thereby depriving future generations of it and actually infringing the principle of sustainability? There was endless, largely fruitless, debate over terminology at the last meeting held in preparation for the Johannesburg Summit, the aim being to ensure that living species created millions of years before us were not considered solely as servants of the human race.

How does the Convention on the Conservation of European Wildlife and Natural Habitats, known as the “Bern Convention”, fit in here?

There are those who feel it goes against the tide and that it is somewhat conservationist in the literal and figurative sense of the term, to the extent that it sometimes turns conservation into an obsession and feels the need to justify itself. Is this true?

It is no coincidence that the convention, which comes from the Council of Europe, that noble organisation that speaks for European political humanism, should, throughout the developments that have taken us from Stockholm to Rio and now to Johannesburg, have remained faithful to the wisdom of those who spawned it. Clearly, no organisation other than the Council of Europe could have inculcated this humanism, providing the convention from the outset with a set of ethics which several ministers recently said they would like to see analysed at the close of the Johannesburg process.

Twenty years after it came into force, signs that the Bern Convention is being incorporated in the processes that are carrying Europe towards sustainable development include:

- the fact that we know more about European biodiversity and its role in ecosystems and landscapes as a result of amazingly active participation by specialised non-governmental organisations (NGOs);
- a frankness in relations between civil society and governments that has allowed the Standing Committee, even though there is no provision to this effect in the convention, to open some fifty files on grounds of failure to comply with the convention and address thirty-two specific recommendations to contracting parties. NGOs and individuals play an important role in monitoring implementation of the convention. They inform the Secretariat of cases where obligations are not honoured and very often put useful pressure on government authorities. The Standing Committee ensures implementation of the convention and can open files in the event of disputes and make recommendations to contracting parties.

The result is a living convention geared to the realities of development, which enables civil society and governments to compare views and allows for democratic monitoring of the honouring of obligations by the states concerned, which, even if they did not directly inspire the authors of the Aarhus Convention, will certainly have shown them (and no doubt also the authors of certain European directives) that public involvement in decision-making and the opportunity for the public to take legal action are not mere theological concepts. Is it not also proof of the intrinsic value that governments ascribe to biodiversity as one of the criteria for sustainable development when a government, in response to complaints by individuals or NGOs, chooses to intervene in a project to protect a site occupied by the common European hamster or a land turtle, or to modify a plan for a road in order not to damage a forest that is important to several species, including the unpopular bats, to build bridges in the landscape or extend tunnels in order to ensure that a motorway does not split a community of bears, or to stop the building of a hotel in order to protect a beach where sea turtles lay their eggs or to prohibit the sale of a marine mollusc or of small sparrows?

These are indeed signs that the Bern Convention has been incorporated in a process linked to sustainable development and, in particular, to what is known as the ecosystemic approach, which considers human beings and their activities as part and parcel of the ecosystem, and the main principle of which is that society’s choices should be reflected in the objectives of the management of the territory and of living resources.

Twenty years after it came into force, the Bern Convention, having been subjected to a new analysis in the wake of the Rio Summit such as few other instruments have undergone, seeks to co-ordinate the work of European countries as they adopt common standards and policies incorporating the conservation and management of biological diversity into political decisions. It thus contributes to the quality of life of Europe’s citizens and the sustainable development of their society.

The work to be done following the Johannesburg Summit will certainly be a new challenge in which, I am convinced, the Bern Convention will again provide evidence of its adaptability.

## Patrick Van Klaveren

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Common hamster

S. Cordier

# The Strasbourg Convention

Twelve countries have now signed the Council of Europe's Convention on the Protection of the Environment through Criminal Law, which opened for signature on 4 November 1998, in Strasbourg.

The convention is significant because it represents the first international convention to criminalise acts causing or likely to cause environmental damage. Criminal law, a last resort solution, has long been considered as inappropriate in this field. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal does require its signatories to take "appropriate measures in national law and also to impose sanctions". Other conventions, such as the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), provide for sanctions against signatories that do not abide by the obligation in CITES. It is, however, current practice to impose administrative or civil law sanctions for such violations. Following the adoption of Resolution No. 1 by the 17th Conference of European Ministers of Justice (June 1990, Istanbul), the Committee of Ministers of the Council of Europe established a new select committee of experts in 1991 under the name of the "Group of Specialists on the protection of the environment through criminal law" (PC-S-EN). Subsequently, the committee was transformed into a traditional committee of experts (PC-EN). In October 1991, it started its work and completed it in December 1995, holding seven plenary and ten working group meetings.

The convention requires signatories to criminalise various serious offences as follows:

- a. the release of "substances or ionising radiation into air, soil, or water which causes death or serious injury to any person or creates a significant risk of causing death or serious injury";
- b. the "unlawful" release of "substances or ionising radiation into air, soil, or water which causes or is likely to cause their lasting deterioration or death or serious injury to any person or substantial damage to protected monuments, other protected objects, property, animals, or plants";
- c. the "unlawful disposal, treatment, storage, transport, export or import of hazardous waste, which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants" and "unlawful operation of a plant in which a dangerous activity is

carried out" presenting the same risk; and

- d. the "unlawful manufacture, treatment, storage, use, transport, export or import of nuclear materials or other hazardous radioactive substances which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants".

The convention thus provides for specific environmental offences, emphasising the protection of environmental media, that is, of the air, the soil and water, the protection of human beings, protected monuments, other protected objects, property, animals, and plants from environmental dangers. While the first two offences are pollution offences, the latter primarily covers pre-stages where the illegal handling of dangerous installations and of specific dangerous substances (radioactive substances, hazardous waste) is likely to cause death or serious injury to persons or harm the environment.

The scope of the convention extends to a wide range of environment-related forms of illegal conduct by a reference to "infringement of the law, an administrative regulation or a decision taken by a competent authority". Signatories can choose to impose criminal sanctions and/or measures, or administrative sanctions and/or measures. The latter can include administrative fines, but also confiscation and reinstatement of the environment. Other measures of a punitive nature may be the withdrawal of a permit, the prohibition to continue environmentally dangerous processes or an order to reduce the discharge of pollutants, professional disqualifications or even, in minor cases, a simple warning, the violation of which could lead to a fine.

Signatories must impose imprisonment and pecuniary sanctions and may require violators to rehabilitate the environment. Confiscation or profits are optional. Signatories have to impose corporate liability, without excluding criminal proceedings against a natural person.

An optional provision is that a signatory can require reinstatement of the environment within the frame of criminal proceedings, especially before the trial. The laws of some countries utilise different means of reparation, including the reinstatement of the environment, or the compensation of victims, before the prosecution of the offence or during the trial. By allowing perpetrators to undo the harm caused to the environment, the convention clearly gives priority to the overriding interest of the

protection of the environment. If the conditions of reinstatement are respected, criminal charges may be dropped, which is a serious incentive to polluters to reinstate the environment.

A potentially important procedural right is that signatories, by way of a declaration to the convention, can provide for the rights of environmental non-governmental organisations (NGOs) to participate in criminal proceedings. Because global and national NGOs proactively try to protect the environment, they can be important actors in deciding to bring lawsuits and exert pressure on agencies and law-enforcement officials to enforce environmental laws. In some countries, the right for environmental NGOs to participate does not exist. The principal reason to allow NGOs access to environmental proceedings is that criminal law in the environmental field protects interests of a highly collective nature. However, the fact that this provision was drafted as an opting-in clause shows that the issue of permitting NGOs access to criminal proceedings remains controversial.

It is hoped that the convention will soon gather a sufficient number of ratifications to enter into force and that other Council of Europe member states or even non-members will join it.

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So far only Estonia ratified the convention (July 2002). Two further ratifications are necessary for the entry into force. Signatory States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, Romania, Sweden



# The Lugano Convention

The Council of Europe Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment is the first international instrument to provide a general civil liability framework in the field of environmental law.

The convention lays down a system of strict liability. By the very fact of professionally pursuing an activity defined as dangerous, the person concerned assumes responsibility for the risks it entails. There is no need of negligence or error on his part. It is enough that the damage is caused by the activity. Liability is not determined by the conduct of the perpetrator of the damage but by the activity giving rise to the damage. To obtain redress, the person suffering the damage has no need to prove misconduct (which would be extremely difficult in many cases), but only to show a causal relationship between the activity and the damage.

From the operator's point of view, his liability arises from the fact of pursuing a dangerous activity professionally.

The operator is defined as the person who has control over the activity.

Three types of activity are covered:

- activities involving dangerous substances;
- activities involving micro-organisms and genetically modified organisms;
- permanent storage of waste.

## The notion of "incidents"

The operator's liability arises from the causal link between his activity and the damage caused. In the convention, this link is termed an "incident". An explosion or a gas leak are fairly common examples of such incidents.

But the incident need not be a momentary, sudden, spectacular occurrence. It may be a succession of occurrences or a continuous occurrence. River pollution may be due to a momentary but massive spillage or to slower, repetitive or continuous leakage.

According to the convention, liability rests with the operator at the time of the incident. In view of the difficulty of determining the exact time of the occurrence of certain incidents spread over a long period (gradual pollution), the convention provides for joint liability of all operators who have successively carried on the activity.

## Different types of damage

The convention lists four types: damage to persons, to property and to the environment, and the cost of measures to prevent or limit damage. The environment

is defined as comprising natural resources (such as air, water, the soil, wildlife and interaction between them), property which forms part of the cultural heritage and characteristic features of the landscape. In the case of damage to the environment, compensation is limited to the cost of restorative measures.

## Liability insurance

Certain activities may cause much greater damage than the operator could afford to compensate. Moreover, on account of the long time that may elapse between the causal incident and the manifestation of the damage, the operating firm may well have disappeared in the meantime. For these reasons, a number of delegations proposed introducing compulsory insurance to cover the operator's liability. This principle is provided in the convention but whether to implement it is left to the discretion of each state.

## Time-limits

In cases of pollution, damage may not become apparent until many years after the incident that caused it. Since compensation cannot be sought until the damage is known, the question of statutory limitation is important. From the point of view of the person suffering the damage, it is essential that the time-limit is long enough to enable him effectively to exercise his right to compensation. From the operator's and the insurer's point of view, it is undesirable to allow uncertainty to prevail too long.

## Burden of proof

Strict liability dispenses the victim from the obligation to prove negligence on the part of the operator. But he still has to prove that the damage was actually caused by a particular dangerous activity. This is not always easy for a private individual. The convention accordingly includes a range of provisions intended to help him. These provisions are of various kinds: appraisal of the causal link, access to evidence, joint liability of operators. The convention allows environmental protection associations and foundations an active role in two areas: prevention and restoration. In both cases, associations may apply to the courts for an injunction ordering the operator to take measures. However, associations may not take direct action. The court decides. There is no doubt, however, that this "right of initiative" which the convention accords to associations (and which is already recognised in the domestic law of some countries) is

a significant element in the approach to citizen participation in protection of the environment.

## A convention which is too ambitious?

The most difficult part of drafting the convention was striking a balance between the opposing interests of industry and the victim. To succeed, it is not enough for a treaty to be legally watertight; it must, above all, be politically acceptable. The convention took the Council of Europe member states, with the participation of the European Commission, five years to negotiate. Yet it has attracted only a limited number of signatures and has not yet come into force. Perhaps it was too ambitious. At the time, some government delegations proposed a convention of more limited scope, which could have been widened as and when possible. With benefit of hindsight, this approach might have been more realistic.

**Carlos de Sola Llera**

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Nine signatory states (July 2002): Cyprus, Finland, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal



M. Rauch/Bios

Oil pollution

# Biological and landscape diversity

In 1962, when, at the Parliamentary Assembly's suggestion, the Council of Europe's Committee of Ministers decided to include environmental issues in its inter-governmental work programme, it certainly had no idea that it was embarking on a pioneering role in addressing the issues of most urgent concern to the planet. Ten years before the United Nations Conference on the Human Environment (Stockholm, 1972), the Council of Europe embarked on a novel, clear-sighted approach in a field which has never ceased to be a priority on the international political agenda.

In the wake of European Conservation Year (1970), the Council of Europe held the first European Ministerial Conference on the Environment in Vienna (1973). It was decided at the conference that the Council of Europe would concentrate on biological and landscape diversity, as other intergovernmental organisations (OECD, UNECE, FAO, UNESCO, etc.) were already more committed to the other aspects of the environment.

Although it did co-operate with these organisations, the Council of Europe drew inspiration from the World Conservation Strategy devised in 1980 by the World Conservation Union (IUCN), the World Wildlife Fund (WWF) and the United Nations Environment Programme (UNEP) and had a European conservation strategy prepared by the committee that gave rise to the current Committee for the Activities of the Council of Europe in the field of Biological and Landscape Diversity (CO-DBP). This European conservation strategy, submitted by the Committee of Ministers, was adopted by the environment ministers at the 6th European Ministerial Conference on the Environment (Brussels, 1990) and set the following objectives in particular:

- to encourage civilisations to respect nature;
- to meet the needs of populations by advocating sustainable development;
- to guarantee current and future generations a healthy environment without jeopardising the riches and natural resources on which they depend.

The conservation and management of biological diversity was becoming one of the main challenges facing humankind. In the wake of the first Earth Summit on environment and development in Rio in 1992, and following the rapid adoption by most of the world's countries of the United Nations Convention on Biological Diversity, the Council of Europe prepared a regional biological and landscape diversity strategy, giving priority to the incorporation



S. Cordier

*In the Pyrenees*

of these considerations into sectoral economic activities, the establishment of a pan-European ecological network and sustainable landscape management.

The Pan-European Biological and Landscape Diversity Strategy submitted by the Council of Europe's Committee of Ministers was adopted at the "Environment for Europe" ministerial conference in Sofia (Bulgaria, 1995).

As a programmatic activity, the pan-European strategy is a European extension of the Earth Summit and is in many respects considered as a European regional instrument for implementing the Convention on Biological Diversity.

Despite the consequences of internal reorganisation at the Council of Europe, activities in the field of the natural, cultural and landscape heritage continued. In fact they were organised on the basis of a more political vision of the objectives to be achieved. It was important to make it clear that in a climate of globalisation, the natural, cultural and landscape heritage should be able to regain a position of major importance, as it constituted a vehicle for identity and a distinguishing feature offsetting the risk of growing uniformity.

The current trend toward globalisation made it necessary, moreover, to review certain priorities and the CO-DBP made a substantial contribution here. It was decided:

- to make maximum use of synergy with other instruments, programmes, forums and organisations concerned;
- to move from the objective of conservation alone to that of sustainable development, including the incorporation of the protection and management of the

natural, cultural and landscape heritage into socio-economic activities;

- to outsource technical tasks and concentrate on the more political aspects.

The CO-DBP, which is composed of government representatives from the Council of Europe member states, pursues its programmes in conjunction with the Council of Europe Parliamentary Assembly, the other steering committees concerned (in particular the Steering Committee for Cultural Heritage – CDPAT) and the European Conference of Ministers responsible for Regional Planning (CEMAT).

In particular, the CO-DBP is responsible for monitoring the sixty protected areas awarded the European diploma and for the European campaigns on the natural, culture and landscape heritage and the preparation of charters (European Charter on Water Resources and European Soil Charter), codes of conduct (for coastal zones, transport and the environment) and draft Committee of Ministers recommendations (in particular, five recommendations on tourism and the environment).

## A vision for the future

The CO-DBP's work will focus on the incorporation of biological and landscape diversity considerations into sectoral policies, for the Council of Europe is seeking to promote sustainable development. To achieve this high degree of political awareness, it is necessary to transform economic activities, and simultaneously reconcile economic, ecological and social interests. Agriculture must become multi-functional and transport integrated, and tourism must respect long-term concerns.





Durantin/Jerrican

The famous Verdon gorges (France)

In this context, full implementation of the Pan-European Biological and Landscape Diversity Strategy, the Bern Convention and the European Landscape Convention continues to take top priority, while paving the way for new instruments and new programmes. Furthermore, research must be carried out into ethical aspects of the conservation of European landscapes. The case for preparing a charter of environmental protection and sustainable development principles is currently under discussion.

Not forgetting that "the future is in our hands", I shall conclude, in the words of the Geneva artist, naturalist and natural philosopher Robert Hainard, that "the ultimate goal is a civilisation where technology serves to spare nature and is not assessed according to the quantity and quality of wildlife that it allows to survive" (*Expansion et nature*, 1972).

#### Raymond-Pierre Lebeau

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## A code of practice for transport

The code of practice for the introduction of biological and landscape diversity considerations into the transport sector was prepared as part of the Pan-European Biological and Landscape Diversity Strategy. It is a practical instrument designed to help elected representatives, decision-makers and practitioners to understand the main biological and landscape diversity problems that arise when linear transport networks are planned, designed and used. Other modes of transport are not covered by the code. It is based on technical studies of the legal aspects in connection with roads, railways and navigable waterways.

It provides background information on the existing and proposed extent of the Strategic Pan-European Transport Network and related Euro-

pean initiatives. It sets out a number of common principles applicable to the three modes of transport (road, rail and navigable waterway): in particular, environmental impact assessment of projects, the protection of habitats, species and landscapes and the need for specialist knowledge. It analyses the implications common to all three types of transport of the planning, design, implementation and management of schemes and proposes ways of addressing them.

On the basis of examples it puts forward a series of practical recommendations. The code will be presented at the 5th Pan-European Ministerial Conference in Kyiv in 2003 as a major diversity consideration into sectoral policies.

## Coastlands

Having repeatedly in the past addressed the question of the protection of coastlands, the Council of Europe decided to make a contribution to Action Theme 5 under the 1996-2000 Action Plan of the Pan-European Biological and Landscape Diversity Strategy, dealing with "Coastal and marine ecosystems". This plan lists the challenges to be met in this field: direct loss through development and occupation of coastal areas for residential, touristic and industrial purposes, reclamation, dams and dikes, pollution, destruction and over-exploitation of benthic systems by industrial fishing, destruction of sedimentary systems by mining and drinking water production, recreational disturbance, etc.

A group of specialists on coastal protection, set up by the Committee of Ministers of the Council of Europe in 1995, has worked on drafting:

- a European code of conduct for coastal areas, comprising precise recommendations, practical and realistic principles and rules of good practice for local, regional and national authorities, planners, experts in coastal engineering and users;

- a model law on sustainable management of coastal areas, defining the concept of integrated management and planning, based on the principle of sustainable development, laying down main principles and offering proposals on appropriate institutions, procedures and instruments for introducing and implementing integrated management and planning.

Government experts, representatives of secretariats of international conventions concerning coastal and marine environments, and international organisations took part in this work. The preparatory documents were drawn up by the European Union for Coastal Conservation (EUCC) and CRIDEAU (Interdisciplinary Research Centre on Environmental and Town-and-Country Planning Law).

On 9 September 1999, the Committee of Ministers of the Council of Europe took note of these two documents and agreed to forward them to governments.

The international community must be mobilised to act efficiently for the conservation, protection and sustainable management of coastal areas if it truly wants their magic and the many natural resources they contain to be preserved.

## European Diploma of Protected Areas

The European Diploma of Protected Areas has been awarded, since 1965, to natural or semi-natural areas or to landscapes which are of exceptional European interest from the point of view of biological, geological and landscape diversity, and which benefit from appropriate protection arrangements. To date, sixty areas, in twenty-three countries, many of them in central and eastern Europe, have won this award. It is a distinction which acknowledges the quality of the heritage which a site encompasses, as well as the effectiveness of its protection system. It is granted for a period of five years and is usually accompanied by recommendations, and sometimes conditions, intended to help those responsible for management to maintain a high

level of protection and management. The limited period for which the diploma is awarded is what distinguishes it from other international awards, for the prospect that it might not be renewed combines a deterrent effect, in relation to certain threats which might jeopardise the integrity of the area, with an incentive effect, as quality is a requirement.

The diploma involves supervisory machinery, encompassing both experts' reports, prior to the award and to renewal, and annual reports. Regarded both as sanctuaries and as pilot areas for promoting sustainable ways of using land for agriculture, forestry and tourism, diploma-holding areas play a significant role for society as a whole.

# A pan-European ecological network

Creating a pan-European ecological network is the prime aim of the Pan-European Biological and Landscape Diversity Strategy adopted in Sofia in 1995.

Europe – the only continent so far to have embarked on such a large-scale undertaking – is leading the way in sustainable protection of biological diversity. Applying the “Rio message” means adapting human activities and the uses of the land which they involve to the sustainable-protection requirement.

All the countries currently involved in this project have been very active in this field for more than thirty years.

Conservation measures adopted by governments in the past were concerned initially with rare and endangered species and with banning or regulating their hunting or use. Conservation improved when it was recognised that the natural environments which provided habitats for these species were also in need of protection. Surveys of the European environment at the time showed, however, that the then protection measures were failing to halt:

- the disappearance of natural environments and wild species and the slow but steady erosion of the different forms of biological diversity;
- isolation of natural areas that had once connected up, with resultant damage to ecosystems – both things which affect human activity and human settlement.

It became apparent, in particular thanks to landscape ecology research, that protection of biological diversity needed Europe-level management and that the most appropriate solution was a pan-European ecological network.

Establishment of the network is now under way. It involves four different kinds of area:

- “core areas” for biodiversity – sites that preserve the main ecosystem components, natural habitats and plant and animal populations. These “core areas” are protected by means of the standard instruments available to governments, ranging from agreements to rules governing protected areas;



An example not to be followed: a strip of woodland completely surrounded by a vast expanse of farmland

- “corridors”, which connect up the “core areas”, enable species to disperse and migrate, and allow genetic exchange. The smaller and more numerous the “core areas” the greater the corridors are needed. If corridors are to continue to perform their ecological functions, they need protecting in the sector-based policies that manage the land (agriculture) or structure it (planning, transport);

- “buffer zones”, which, where necessary, protect the “core areas” or corridors from the harmful long-range impact of certain human activities;

- lastly, given the extent of the damage already caused to biological diversity, and to the vital ecological functions of the ecosystems on which biodiversity depends, one of the network’s aims is also repair of damage, within “restoration areas”.

Back in 1995 this project was little more than environmental wishful thinking. Now, however, the network is taking shape as a result of numerous initiatives to set up national and regional ecological networks. The Natura 2000 network, established under the European Union’s habitat and bird directives, and the Council of Europe’s Emerald network, established according to the same principles in the context of the

Bern Convention, are the project’s main foundations.

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# European Charter on Water Resources

The Council of Europe, which has been active as a think tank and in developing new initiatives for over half a century, adopted a new European Charter on Water Resources on 17 October 2001. The old charter, which dated back to 1967, was one of the first European texts on environmental protection, and the principles it laid down are reflected in most international instruments on protecting water against pollution.

The crisis set to hit the world's water resources in the decades to come led the Council of Europe to return to the issue and incorporate the new developments in a document intended to serve as a guide for lawmakers and diplomats alike. The very title of the European Charter on Water Resources emphasises the urgent need to treat water, without which no life is possible, as an asset that must be used carefully. The charter is geared towards sustainable development, which means satisfying present-day needs without compromising the ability of future generations to meet theirs. Everyone must therefore help to conserve water resources, while taking particular care to protect aquatic ecosystems and wetlands, as well as underground water resources, which are especially valuable for human consumption.

The method to be used to achieve the charter's objectives is the management of water resources. The principles of such management are the core elements in the instrument and require the revision of a number of policies, both nationally and internationally. There must be integrated management of surface water, groundwater and other potential sources within catchment basins. This requires planning and sustainable development of water resources, based on an inventory and taking account of the relevant quantitative and qualitative aspects, while restricting certain types of use, if necessary. Water resources must be regularly monitored and their general state periodically assessed. The recycling of waste water should be encouraged.

The management of water resources must comply with certain general principles that form the basis of environmental protection, that is, the principles of prevention, precaution and correction at source, as well as the "polluter-pays" principle. Regulations must employ the most suitable instruments such as quality objectives, waste discharge standards for

aquatic environments and the best available technologies, as well as economic instruments (taxation, tax relief, loans, incentive schemes and insurance) compatible with meeting the population's basic needs.

The charter calls for the drafting of water management plans at government level and the implementation of the policies in question by the relevant authorities closest to the areas concerned, so that account can be taken of the particular conditions at regional and local level. At international level, states should co-operate, preferably within permanent institutions, with a view to managing shared water resources fairly and reasonably.

It is frequently the case that concession holders supply water to consumers. The terms of the relevant agreements must take account of the charter's principles. The concessions must be granted for limited durations and must be subject to periodic review. In return for their rights and entitlements to water, both the relevant companies and water users should contribute to the protection of the aquatic environment and the conservation of water resources.

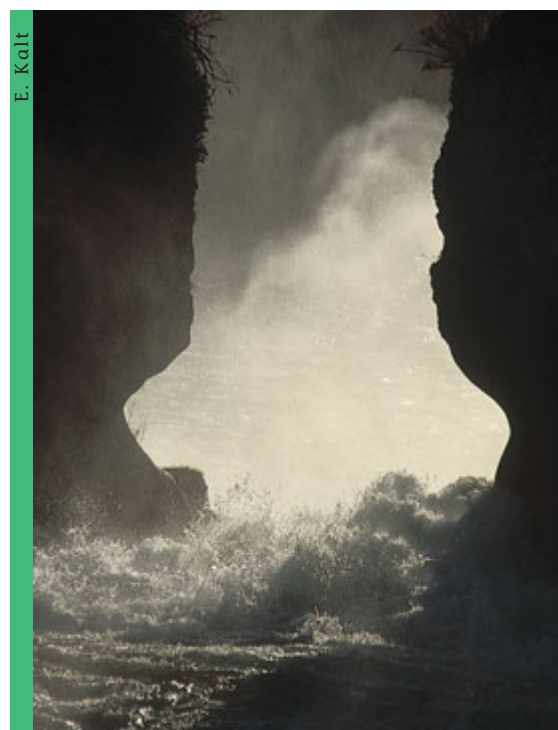
The charter places great emphasis on the social problems that can arise in connection with access to and the use of water resources. It points out that water is an ecological, economic and social asset (preamble) and declares that everyone has the right to a sufficient quantity of water for his or her basic needs. While respecting this principle, it nevertheless accepts that the supply of water may be subject to payment in order to cover the financial costs associated with the production and utilisation of water resources.

Lastly, the charter recognises the importance of the role the public must play. The preamble makes clear that the preservation of water is the joint responsibility of states and all users: everyone must help conserve water resources and use them prudently. The public must therefore have access to information on the state of water resources and, in particular, must be informed in a timely manner of water management plans and projects involving the use of water resources. The public also has the right to take an active part in planning and decision-making procedures concerning water. The persons and bodies concerned must be able to appeal against any decisions relating to water resources.

The latter principles actually lay down the main aspects of what may be regarded as the right to environmental protection – a procedural right that involves information, participation and the right of appeal. At the same time, the assertion of individuals' right to a sufficient quantity of water for their basic needs is progress in itself: the right to a healthy environment will necessarily have to include the right to certain basic requirements for life, of which water is the first and foremost. As the cradle of human rights protection, the Council of Europe is remaining true to its original vocation in linking environmental protection to its efforts in that area.

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# What future for our heritage?

The concept of sustainable development is more often associated with protecting the natural environment than with preserving the built cultural heritage. However, there are at least two good reasons for including the cultural heritage in a sustainable development approach:

- the European continent carries the imprint of human interaction with the natural world, and there is not always a clear dividing line between “nature” and “culture”;
- the principles of sustainable development are relevant to people’s daily environment, which is the sphere in which cultural-heritage specialists perform their work.

Further considerations provide support for holistic treatment of the cultural and natural heritage and suggest that the principle of sustainable development is of value to the cultural heritage:

- we are merely the custodians of the cultural heritage and must hand it on to future generations;
- the cultural heritage manifests human genius and human history, with their positive and sometimes less positive sides. To preserve it in all its diversity is to show respect for human beings and human creativity and evidences a desire to build a better future while acknowledging the past;
- as with the natural heritage, the cultural heritage specialist has to ensure continuity between past, present and future. The cultural heritage is not renewable: although valuable new works can be added to it, it cannot be reconstituted once it has been destroyed for it would no longer be the same heritage.

These are just a few illustrations of Council of Europe thinking on the cultural heritage since the 1960s. Council of Europe action in this sphere goes back to work by the Parliamentary Assembly and the first conference of heritage ministers, in Brussels in 1969. The real launch pad, however, was the Council of Europe’s first European campaign, in 1975, “A Future for Our Past”, and adoption that same year of the European Charter of the Architectural Heritage. At their fifth conference (Portoroz, 2001) the heritage ministers took stock both of the second European campaign, “Europe, a Common Heritage”, and of achievements over the last twenty-five years, and agreed themes for a new multi-year work programme.

The Council of Europe’s work is organised around four basic questions:

- What is the cultural heritage?
- For whom is it to be preserved?
- Why preserve it?
- How do we preserve it?

Although the questions have scarcely changed over the years, their interpretation and the field to which they apply have constantly and radically evolved. For one thing, heritage action has taken on a very important political dimension since the deliberate destruction, during armed conflict, of some communities’ cultural heritages. For another, greater attention is being paid to heritage policy’s role in meeting the major challenges which face society, such as globalisation, diversity, mutual understanding, regional development and sustainable development.

The 1975 European Charter of the Architectural Heritage introduced the concept of integrated conservation, in which conservation comes together with seeking appropriate uses for the heritage in order to help the planner cater for social needs. In the cultural heritage sphere, the concept of integrated conservation can be regarded as the forerunner of today’s sustainable development. Its relevance as a necessary complement of sustainable development is worth underlining.

Three conventions have been drawn up: the Convention for the Protection of the Architectural Heritage of Europe (Granada, 1985), the (revised) European Convention on the Protection of the Archaeological Heritage (Malta, 1992) and the recent European Landscape Convention (Florence, 2000). The first two go together and deal with the appropriate protection arrangements: identification, legal protection, training, public participation. The Landscape Convention has created a new reference framework for them.

The conventions have been supplemented by standard-setting recommendations, concerned in particular to widen the concept of heritage (so as to take in the industrial heritage and the twentieth century heritage, for example) or to provide guidelines on specific matters (such as groups of movable or immovable heritage items, teaching the heritage or financing conservation).

The principles established in the conventions and recommendations remain valid even though interpretation of some provisions has evolved. New instruments will supplement them. All of the existing instruments have had and still have a considerable impact on heritage policy and legislation in European countries. A collected edition is due out in October 2002.

There are two further pillars, besides drawing up standard-setting instruments and monitoring of European conventions, to the Council of Europe’s heritage work:

- technical co-operation and projects on the ground;
- activities aimed at the European citizen.

Additionally there is HEREIN (European Heritage Network), a powerful, interactive information tool on European heritage policy. HEREIN and selected activities illustrating these three pillars are dealt with in special articles.

The themes of the Council of Europe work programme are identified by the specialised ministerial conferences and validated by the Committee of Ministers, which ensures overall political coherence of Council of Europe action. On that basis the Steering Committee for Cultural Heritage (CDPAT), which is made up of representatives of the forty-four Council of Europe member countries and the other four European countries which have acceded to the 1954 European Cultural Convention, puts forward proposals on the ingredients of the work programme. It checks that the programme is properly implemented and it is responsible for supervising the conventions. In addition, it has the job of making sure that the work produces results which are of value to the states. In effect CDPAT is a large think tank in which national representatives exchange information and experience regarding heritage policy and identify new trends. Its terms of reference explicitly mention sustainable development.

Within that framework the CDPAT deals with a range of subjects. Some are ongoing, such as the changing concept of heritage, integrated conservation and training. Others have been added, such as the right to the heritage, mutual understanding, regional development and sustainable development. By virtue of the subject of its terms of reference – the cultural heritage



B. Jaubert/Sipa press

*Conserving buildings is a good idea – but we also need to preserve the skills to maintain them.*

– CDPAT works closely with other steering committees on matters to do with biological and landscape diversity, spatial planning, social cohesion, human rights, youth, culture, education and higher education. It is partnered in this by various institutions and bodies, including the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe, the European Union, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS) and Europa Nostra, the last two of these being non-governmental organisations with CDPAT observer status.

At all times the Council of Europe seeks to develop thinking, to evaluate concepts'

relevance to actual practice and to strike a balance between the cultural and spatial-planning components of cultural heritage, without favouring the one or the other. This has always been characteristic of Council of Europe work and has become its distinctive feature.

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# Technical co-operation and consultancy in the cultural heritage field

The Technical Co-operation and Consultancy Programme in the cultural heritage field provides a means of intervening directly and taking action on the ground in the context of the Council of Europe's intergovernmental co-operation system. Under the programme, steps are taken at the request of governments, either in historic town centres or in the regions, to address complex problems connected with the integrated conservation of cultural heritage. With 25 years' experience and nearly 800 expert appraisals in 26 European countries behind it and with the help of over 500 international experts who have worked on 75 projects, the programme has developed and expanded considerably with the events that have taken place and the radical changes that have occurred in Europe over the past decade.

Initially the programme comprised only one-off expert appraisals and activities, but it is now developing in three ways. Firstly, the aim is to provide a model response to problems by bringing together national and international experts in pursuit of an approach based on past experience, the identification of good and bad practices and rigorous methodology. Secondly, the idea is to create a knock-on effect on the spot, by seeking to add a transregional or international dimension. Thirdly, the programme is concerned with national policy in the countries in which action is taken: new legislation, management, cross-sectoral co-operation and institutional reforms.

Legislative, institutional and technical support units have been set up under the programme. It is these units – along with the Cultural Heritage Committee working group – that provide back-up for the programme and determine the direction it takes, in keeping with the vocation of both the natural and the cultural heritage in our society, which is to foster an understanding of the territory, aim for sustainable development, contribute to social cohesion and provide a forum where dialogue, mutual understanding and efforts to reach out to other people come together in a grand design for society, establishing a European reference framework.

The Technical Co-operation and Consultancy Programme is thus being extended beyond old buildings and historic sites to embrace such new areas as town planning, social housing in historic settings, the landscape and regional planning, and sustainable development processes. The

emphasis is on cross-sectoral approaches and comprehensive strategies and the programme has a wide variety of tools at its disposal: technical appraisals, professional exchanges, multi-purpose and professional workshops and pilot projects. These tools are used both for technical and administrative purposes and on the political front, and trigger genuine institutional and legislative reform processes, particularly in the new member states. The common denominator, in eastern and western Europe, is the setting up of interactive continuous learning processes.

The Council of Europe's underlying philosophy, values and experience are thus put to use through tangible action to deal with specific situations in clearly defined areas or communities. The results of this action are fed back into our Organisation's work programme and provide food for thought for our various steering committees as they reflect on the role of cultural heritage in our society.

After the various technical co-operation missions, the pilot projects carried out in recent years in the Karst (Slovenia), Rostov Veliky (Russian Federation) and Tbilisi (Georgia), and the studies of the cultural heritage situation in Bosnia and Herzegovina and in Kosovo, the programme is entering a new phase, in which the underlying approach is a cross-sectoral one. The four main thrusts are: the regional programme for the southern Caucasus on policies to rehabilitate and bring new life to historic cities in Armenia, Azerbaijan and Georgia; the regional programme for South-eastern Europe, concerning regional development and integrated planning in the Balkans (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia – Kosovo, Serbia and Montenegro – Moldova and Romania); the preparation of common guidelines and reference documents; and legislative and technical co-operation, the idea being that the pilot projects should become proper European testing-grounds. Action on the ground can therefore not only help to implement Council of Europe guidelines and standard-setting instruments but can also make a contribution to European integration.

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## The HEREIN network

The European Heritage Network (HEREIN) is a permanent Council of Europe information system linking European government departments responsible for heritage conservation. It has been developed since the 4th Council of Europe Conference of Ministers responsible for the Cultural Heritage (Helsinki, 1996) as an instrument for implementing the European conventions on the architectural and archaeological heritage. The conventions provide for the systematic exchange of information, the development of professional co-operation and the dissemination of good practice.

Twenty-seven countries are now linked by HEREIN, and by 2004 virtually all the countries that have signed the European Cultural Convention should be involved. Its correspondents met for the first time in Cracow on 23 and 24 May 2002. The network has a heritage policy database that can be updated in real time by means of the most advanced information technology (XML language; Open Source software). It contains information on the various aspects of heritage policy: identification and inventory of cultural property, legal protection of heritage, conservation, funding, integrated conservation practices and inter-sectoral co-operation, as well as awareness-raising, dissemination and educational measures.

A series of services for government departments, professionals, trainers and a wider public will gradually be set up, with a cultural portal providing access to databases and sites in the various countries, a multilingual thesaurus and a professional newsgroup. A "heritage discovery" section will be operational as from 2003 and will provide access to virtual exhibitions set up jointly by a number of countries.

The HEREIN network, which has been developed jointly by the European Commission (Information Society DG) and the Council of Europe, should also serve to disseminate ethical and methodological principles for the digitisation of information on cultural property. The new version of the site ([www.european-heritage.net](http://www.european-heritage.net)) will be available in October 2002.

# The European Heritage Days

The European Heritage Days (EHD) launched by the Council of Europe in 1991 with the support of the European Union – now a joint initiative of the two European institutions – are a figurehead activity in which forty-seven European states, members of the Council of Europe's European Cultural Convention, take part.

The EHD offer everyone an opportunity, during weekends in September, to explore monuments and sites, particularly those normally not open to the public. A great number of citizens participate in the event every year (in 2000, for instance, some 20 million visits took place in more than 30 000 monuments and sites especially open for the occasion).

But the aim of the EHD goes beyond this: to bring European citizens closer not only to their cultural heritage, but to each other, in order to reach better mutual understanding despite the diversity of cultures and languages.

The theme of the Council of Europe's campaign "Europe, a common heritage" has been adopted as a permanent slogan for the EHD and should help to enhance the European dimension and raise awareness of the multicultural aspects of the cultural heritage. This heritage is one of Europe's common values and a reflection of its historic conscience and humanism as well as a link between universal values and diverse cultures. It should help combat problems of intolerance and the rejection of others, bringing people together and providing a forum for peaceful and inter-

active dialogue between cultures, religions and value systems.

The increasing success of this activity has enhanced the image of public and private institutions responsible for the protection and promotion of the heritage, the latter being no longer a matter for specialists only but rather a shared responsibility.

Particular attention is focused on young people and school audiences as well as the socially and culturally disadvantaged part of the population, for whom there is a possibility of discovering the heritage through play-oriented, pro-active initiatives.

Over the years, the spirit of co-operation, between the authorities and civil society as well as the active participation of various organisations, has grown up around the EHD, and institutions, partners and thousands of volunteers contributed towards its success. Public authorities and the private sector also complement each other. This diversity contributes to the development of trans-sectorial partner-

ships between the heritage sector and other sectors such as contemporary creation, education, tourism, regional development, etc.

The aim now is to look to the future, concentrating on raising the common awareness of the EHD, breaking out of the "event" mould, prolonging its impact, improving public participation and involvement, and setting up new partnerships.

Every year the launching ceremony takes place in a different country: this year it will take place in Germany (Bonn and Essen) from 30 August to 1 September 2002.

A liaison office is appointed for a set period: since 2001 it is the *Centro Nacional de Cultura* (Portugal).

For further information you are invited to visit the EHD official website at <http://www.coe.int/jep>

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## Preparation of a new European instrument on the place of cultural heritage in democracy

The Council of Europe has done a considerable amount of work since the 1960s on the conservation of architectural and archaeological heritage as an integral part of development. The Granada Convention for the protection of the architectural heritage (1985) and the Valletta Convention on the archaeological heritage (1992), which have been ratified by most of the member states, lay down a set of guidelines and principles for the identification, legal protection, physical conservation, funding and dissemination of cultural property. As a result of the intergovernmental and professional co-operation elicited by the Organisation, it has also been possible to draw up codes of good practice to supplement the conventions. But changes in the European political climate since the fall of the Berlin wall, the conflict in South-eastern Europe and the advent of globalisation call for a review of the concept of heritage, what it means and what it represents in terms of individual and group identity. In the wake of the fifth Conference of Ministers responsible for the Cultural Heritage (Portoroz, April 2001), the

Committee of Ministers instructed the Steering Committee for Cultural Heritage (CDPAT) to prepare a new reference instrument covering not the means of protecting heritage, which had already been dealt with in the earlier conventions, but the role of heritage as a means of promoting intercultural dialogue, cohesion between communities and the restoration of the social fabric. In particular, the instrument will set out the universal principle that the cultural heritage of the various communities co-existing in a territory or attached to it must be safeguarded, regardless of changes in the political climate in that territory. It will also be important to promote a vision of the heritage as something that makes for mutual understanding and conflict mediation rather than a vehicle for chauvinism and an exacerbated sense of one's own identity.

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EHD 2002 will be launched at the Zollverein coalmine, Essen (Germany)

# The Florence Convention

For the first time, a European convention is devoted entirely to landscape and to the landscape in its entirety.

On 20 October 2000, Florence in Italy was the venue for the ministerial conference at which the European Landscape Convention was opened for signature. Twenty-four European states have already signed the convention and three have recently ratified it.

Until now, there was no international legal instrument dealing directly, specifically and completely with landscapes, their preservation, planning and sustainable management, despite their inestimable value and their great cultural and natural diversity. The European Landscape Convention fills that gap. At the same time, it fills a huge European vacuum by affording the population of Europe an international guarantee to safeguard a key component of the surroundings in which they live.

## The history of the convention

Following the first Conference of Ministers, "An environment for Europe", held at Dobřis in 1991, the European Environment Agency urged the Council of Europe to take the initiative of drafting a European landscape convention.

On that basis, the Congress of Local and Regional Authorities of Europe (CLRAE) decided to prepare a draft convention. This guaranteed that the convention would highlight the major role of local and regional authorities in its application.

At an intergovernmental consultative conference held in Florence in 1998, attended by forty Council of Europe member states, the CLRAE found that there was broad support for its draft convention. Subsequently, on the basis of very favorable opinions from the international institutions concerned and the Council of Europe's Parliamentary Assembly, the CLRAE adopted and submitted to the Committee of Ministers a preliminary draft recommendation advocating a European landscape convention.

After negotiations at intergovernmental level, the Committee of Ministers adopted the final text of the convention on 19 July 2000 and the date of its opening for signature was set for 20 October 2000.

## Landscape as a reflection of Europe's cultural diversity

One of Europe's intrinsic qualities is the great diversity of its culture and hence of its landscape. That being so, the European Landscape Convention sets out to enhance the value of all landscapes, whether or not they are particularly remarkable.

The convention therefore concerns all landscapes, including "everyday" ones with no exceptional features, which form the setting in which people live their daily lives.

This modern, holistic approach is necessary because landscape affects the quality of everyone's environment. It is all the more necessary because the variety of European culture and of European landscapes interact with each other.

Consequently, landscape management is not just a question of sites and landscapes of exceptional quality.

## Main features of the convention

The convention emphasises that the landscape is a collective asset and represents the shared natural and cultural heritage of all Europe's peoples. This must be realised in order to shoulder our responsibility for the landscape.

It relies on the fact that landscape must not be the concern of an elite, but the democratic expression of each people's common desire to live in surroundings which have not been reduced to uniformity, whether in the town or the countryside. The principles governing the implementation of the convention at national and international level may be summarised as follows:

### National measures

The contracting parties undertake to put into effect four general measures at national level:

- legal recognition of the landscape as a key component in the environment in which people live, an expression of the diversity of their common natural and cultural heritage and the basis of their identity;
- definition and implementation of landscape policies designed to protect, manage and develop landscapes;
- procedures providing for participation by the public, local and regional authorities and everyone concerned by the framing and implementation of landscape policies;
- integration of the landscape into town and country planning policies, cultural, environmental, agricultural, social and economic policies and all policies which may have a direct or indirect effect on the landscape.

The contracting parties further undertake to introduce particular measures at national level concerning awareness-raising, training and education, identification and qualifications, the formulation of landscape quality objectives and the implementation of landscape policies.

### International measures: European co-operation

The convention also requires the contracting parties to co-operate internationally at European level when taking the land-



In the Italian Dolomites

T. Werbung/Sunset





In northern Europe

S Cordier



The priory at Les Sables d'Olonne, France

C. Ruoso/Bios



scape dimension into account in international policies and programmes and to recommend the incorporation of landscape considerations as appropriate. They must co-operate in matters of technical and scientific assistance and exchange information on all questions relating to the convention.

Transfrontier landscapes are dealt with in a specific provision, whereby the parties undertake to encourage transfrontier co-operation at local and regional level and, where necessary, to draw up and implement joint landscape programmes.

The convention provides for the award of a "Council of Europe Landscape Prize" in recognition of the policy or measures put into effect by local and regional authorities or non-governmental organisations for the protection, management and/or sustainable development of their landscapes, demonstrating lasting effectiveness and constituting an example for other European local and regional authorities.

### Entry into force of the convention

The convention will officially come into effect when ten Council of Europe member states have ratified it.

In preparation for its entry into force, an initial conference of signatory and contracting states was held in Strasbourg on 22 and 23 November 2001. The conference began consideration of various practical measures to implement the convention. A second conference will take place on 14 and 15 November 2002 to ensure optimum implementation of those measures.

The European Landscape Convention fits in perfectly with the Council of Europe's other activities concerning culture, nature and human rights and fills what was hitherto a major gap in European law.

#### Enrico Buergi

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Signatory states (July 2002): Belgium, Bulgaria, Cyprus, Croatia, Denmark, Finland, France, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, Moldova, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Switzerland and Turkey

Contracting states: Norway, Moldova, Ireland

## *The member states of the Council of Europe*

*"...Recognising that the wild flora and fauna constitute a natural heritage of intrinsic value that needs to be preserved and handed on to future generations..."*

Convention on the Conservation of European Wildlife and Natural Habitats

*"...Recognising that the architectural heritage constitutes an irreplaceable part of our common heritage, bears inestimable witness to our past and is a common heritage of Europe..."*

Convention for the Protection of the Architectural Heritage of Europe

*"...Stressing that responsibility for the protection of the archaeological heritage lies with all European countries, the aim being to reduce the risk of damage to archaeological sites through the exchange of experts and the comparison of experiences..."*

European Convention on the Protection of the Archaeological Heritage

*"...Considering that emissions released in one country may cause damage in another, compensation for such damage are also of an international nature..."*

Convention on Civil Liability for Damage resulting from Activities in the Field of Nuclear Energy

*"...Considering that the life and health of human beings, the environment and the well-being of future generations are the primary concerns..."*

Convention on the Protection of the Environment through Criminal Law

*"...Concerned to achieve sustainable development based on a balanced approach between economic development, social progress and the environment..."*

European Landscape Convention, Florence, 20 October 2000

## *The Ministers of the Environment*

*"...Recognising the uniqueness of landscapes, ecosystems and species diversity, and the need to protect them, call for a pan-European approach to the conservation and sustainable management of the environment..."*

Extract of the Declaration adopted by the Ministers of the Environment of the Council of Europe, 25 October 1995

## *The Committee of Ministers of the Council of Europe*

*"...Considering the Guiding Principles for Sustainable Spatial Development, which stress the need for the integrated and regionally balanced development of our continent, and which strengthens competitiveness, co-operation and solidarity among member states, and the contribution to democratic stability in Europe..."*

Recommendation Rec(2002)1, Strasbourg, 30 January 2002

*... heritage of aesthetic, scientific, cultural, recreational, economic and generations..."*

Natural Habitats, Bern, 19 September 1979

*... accessible expression of the richness and diversity of Europe's cultural heritage to all Europeans..."*

of Europe, Granada, 3 October 1985

*... cultural heritage should rest not only with the State directly concerned but deterioration and promote conservation by encouraging exchanges of*

al Heritage, Valetta, 16 January 1992

*... in another country and that, therefore, the problems of adequate*

ivities Dangerous to the Environment, Lugano, 21 June 1993

*... environmental media and fauna and flora must be protected by all possible*

Criminal Law, Strasbourg, 4 November 1998

*... and harmonious relationship between social needs, economic activity*

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*... , which include, inter alia, economic, cultural and inherent values, we use of shared natural resources..."*

Environment, on the Pan-European Biological and Landscape Diversity Strategy, Sofia,

*... development of the European Continent (...) to be: (...) a coherent strategy continent, while based on the principles of subsidiarity and reciprocity, local and regional authorities across borders, thereby making a*

# The Parliamentary Assembly: to meet



HP Merten/Pluriel

Landscape in Portugal

European citizens have preferences and they care about values. Values should, therefore, be the driving force behind decision-making. Over the last two decades, environmental issues have exerted an increasing influence over economic values, and protection of the environment has become an important goal for many individuals, the civil society, communities, businesses and governments alike. Environmental issues today are becoming increasingly complex and difficult and concern about the future of the environment remains high among European citizens. The public is more aware of environmental performance and more critical of lax standards. A recent Eurobarometer survey carried out in the EU member states to mark the World Environment Day shows that the vast majority of Europeans are worried about trends in areas like environment and health, nature and wildlife protection, waste and climate change. This is a signal to policy makers to do more both locally and globally, to protect the environment and to pave the way for genuinely sustainable development in the world.

Sustainable development as a concept recognises the need for addressing environmental, economic and social issues within a single coherent framework. The Committee on the Environment and Agriculture of the Parliamentary Assembly of the Council of Europe deals with sustainable development issues involving the

environment, agriculture and rural development, regional planning, local and regional authorities in connection with local democracy and regionalisation, food and consumer protection etc.

To achieve improvement in these areas, the committee is focusing its approach on ensuring the implementation of existing environmental legislation; promoting the integration of environmental concerns into all relevant policy areas; encouraging better and more accessible information on the environment for citizens as well as developing a more environmentally conscious attitude towards sustainable development.

### Promoting interparliamentary co-operation

The committee follows the Council of Europe's intergovernmental programme (for example protection of natural resources, regional planning and convention-based activities) and periodically presents reports to the Assembly on a European environment policy and, in particular, the implementation of conventions aimed at protecting the environment.

Also in this connection, it follows up the European ministerial conferences that fall within its remit. In particular, these include the Pan-European Ministerial Conferences on the Environment (DOBRIS Process), the European Conferences of Ministers responsible for Regional Planning (CEMAT), the Conferences of European

Ministers responsible for Local and Regional Government. It follows the work and participates in the preparation of these conferences with a view to following up these processes within national parliaments and their governments.

In addition, the committee contributes to interparliamentary co-operation by fostering relations with corresponding committees in national parliaments in areas within its competence. For example, regular meetings with non-member partners have been held with a view to promoting interparliamentary co-operation in the field of sustainable development. A resolution in that spirit was adopted at the 6th Parliamentary Conference of the Mediterranean and the Black Sea basin which was held in Varna (Bulgaria) in October 2000. A meeting with the parliamentary representatives of the Black Sea region took place in April 2001 and, more recently, a hearing was organised in Paris in April 2002 with west Mediterranean countries.

The committee also plays an instrumental part in the examination by the Assembly, in close co-operation with other relevant international organisations, of the measures that could be taken by member states to strengthen the implementation of international environmental conventions. For example, the Assembly has followed the ratification procedures of the United Nations Framework Convention on Climate Change and the Kyoto Protocol. It reacted immediately to the United States decision of non-compliance with the Kyoto Protocol, preparing an urgent debate on climate change and appointing an *ad hoc* sub-committee to follow the Conference of the Parties (COP-6) conference in Bonn in July 2001. Since then, the committee has followed closely the development of the Kyoto process. In November 2001, it took part in the COP-7 conference in Marrakech, where it organised a parliamentary round table with the European Parliament and MPs from national parliaments and agreed to undertake, in collaboration with the European Parliament, the organisation of a parliamentary round table on the occasion of the UN World Summit on Sustainable Development to be held in August 2002 in Johannesburg, thus introducing a parliamentary dimension to the intergovernmental negotiations through a parliamentary message delivered to the summit in Johannesburg.

# Europeans' expectations

It also organises activities on specific themes: in the framework of the International Water Year in 2003, the committee is going to take up a topic in this field to mark the 35th anniversary of the European Water Charter (1968).

## Agriculture and rural development

Another issue followed by the Committee on the Environment and Agriculture is the process of agricultural reform in greater Europe. In this area, it addresses the transition process in the agricultural sector in central and east European countries, the discussions under way about the reform of the European Union's Common Agricultural Policy (CAP), and the new multi-functional role of agriculture.

As we move from industrial societies to an era of information technology, rural areas are also subject to the forces of change. The committee is therefore committed to identifying means of revitalising rural areas, which need to be developed in a sustainable way so as to ensure the well-being of their populations, while preserving their environment.

With this in mind, the committee made various proposals in the European Charter for Rural Areas (1996), which attempts to establish a common basis for new agricultural and rural development policies. These proposals have been further developed in subsequent activities (the role of farmers' professional organisations, women in rural societies, the prospects of young people in rural areas, etc.).

It periodically organises Mediterranean agriculture fora, an activity that led to the holding of the first parliamentary Euro-Mediterranean Conference on Agriculture in Strasbourg in June 2001.

## Fisheries, quality of life and food

Several aspects of fisheries and the preservation of marine species, such as the sustainable use of living marine resources, fisheries management policies, aquaculture and sea ranching, fisheries in Europe's semi-landlocked seas and the preservation and management of fish stocks, have recently been under scrutiny of the committee.

In the wake of the recent food crises in Europe, another major aspect of the committee's work is food and food safety. Given the questions currently being asked about the agri-food industry and the widespread public unease that exists, a great

many measures have been taken both at national level and by relevant international organisations. The committee itself has examined a number of these issues (dioxins, antibiotics, hormones, and currently also functional foods) from the angle of consumer protection. In this connection, it aims to make sure that all European citizens, whether in the European Union or in the Council of Europe's other member states, enjoy the same food safety guarantees.

## Local and regional authorities

The committee is responsible for issues involving local and regional democracy, regionalisation and the application of the subsidiarity principle. To this end, it follows the activities of the various bodies that bring local and regional elected representatives together at European level, in particular the Congress of Local and Regional Authorities of Europe (CLRAE), the Council of Europe body made up of representatives of local and regional authorities in the Organisation's member states. The committee attaches particular importance to transfrontier co-operation, the establishment of structures and the allocation of powers and responsibilities that guarantee genuine local and regional democracy, and interparliamentary co-operation in these areas.

A European conference on "Towns, Security and Citizenship: in search of a European model for urban security" is currently being organised by the committee in co-

operation with the municipal authorities of Paris and the French National Assembly. This conference, which will be held on 24 and 25 October in Paris, will bring together representatives of legislative bodies and municipal authorities from all over Europe with an aim to tackle the challenges facing security and quality of life in European cities in the 21st century.

**Guillermo Martínez Casañ**

*Chairman of the Committee  
on the Environment and Agriculture  
of the Parliamentary Assembly  
Council of Europe*

Corto/Sipa press



*People are now more concerned about the quality of the food they consume: here, cows are once again eating grass*

# Environmental accounting – the way ahead in the 21st century



Coret/Niko/Sipa press

The Erika oil slick, France, 26 December 1999

Ten years after the Rio Summit on the environment, sustainable development is a recognised goal, but an increasingly difficult one to reach.

Timely, credible, and consistent information on economic, environmental and social performance is a key element in building sustainable societies. Communities, governments, investors and businesses need reliable information to effectively address the development challenges of the 21st century.

Accounting for the costs of past, present and future environmental activities is becoming increasingly important, although there are few definitive standards and mandatory reporting of environmental information is currently limited to very few countries. Today, at least 2 000 companies around the world voluntarily report information on their economic, environmental and social practices and performance. Yet this information is generally inconsistent, incomplete and unverified. Measurement and reporting practices vary widely according to industry, location, and regulatory requirements. International agreements and government policies on the environment remain sectoral and subsidiary in relation to the main thrust of economic and development policies: they are not integrated into those policies as they should be, nor do they have a decisive impact on them.

To create the conditions for adequate and integrated governance of the economy

and the environment, sustainability policies must make a quantum leap and renew their instruments. Specifically, environmental variables must be included in the assessment of economic, financial, fiscal and budgetary policies. Sustainability reporting must be made as routine and credible as financial reporting in terms of comparability, rigour and verifiability.

This calls for the testing, adoption and continuous use of new information and evaluation systems and new decision-making procedures should involve not only the environmental authorities but all decision-making bodies at all levels of governance. This means integrating and reorganising the basic components of public accounting and of governments' and local and regional authorities' formal budgetary procedures to enable them to take account of the environmental effects of policies adopted.

One of the main challenges for the coming years is the development of an agreed set of indicators which is necessary if environmental reporting is to be integrated into strategic and budgetary planning and if comparability and benchmarking is to be guaranteed.

A broader range of instruments to tackle the ever more diffuse sources of environmental pressures and speedier action are needed to shift the operational potential of environmental accounting from purely informative studies and functions to the implementation of new official procedures

for policy-making, especially for the drafting and adoption of public budgets at all levels. Co-ordinating environmental data and environmental accounting procedures must be ensured at all levels of government – local, regional and national in order to meet the governance challenges in the globalising economy.

Following a motion tabled recently by members of the Committee on the Environment and Agriculture, the committee has undertaken to prepare a report on the subject.

**Antonella Cagnolati**

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# The role of non-governmental organisations

The Council of Europe is well aware that it needs to be sensitive to public opinion and the driving forces in European society which can change so rapidly. It is also aware that non-governmental organisations (NGOs) are the true expression of European citizens. This is why the Council of Europe, almost from the beginning, established working relations with international and national non-governmental organisations, in particular in 1952, when the Council created a consultative status for international NGOs.

This status is granted to international NGOs, that is, those federating member organisations in several of the forty-four member states, and which work in the same fields of activity as the Council. The rules state that the various bodies of the Council of Europe may consult the NGOs on questions of mutual interest and that the NGOs themselves may address memoranda to the Council on matters relating to its aims and activities.

A liaison committee elected by the 374 NGOs enjoying the status represents the international NGOs in their relations with the Council. They have joined together to work in thematic groupings of which there are ten: human rights, social rights, education and culture, north-south dialogue, environment, towns, health, equality, extreme poverty and civil society in the new Europe. These groupings are the collective voice of the international NGOs working in the different fields and thus represent the interests and concerns of millions of citizens. They meet twice a year to work on themes of interest to them and on Council of Europe projects.

More importantly, these groupings are increasingly being associated, by means of an observer status, with the work of the steering committees which decide the Council's action programme each year. This means that the international NGOs are at the heart of dialogue and decision-making on Council activities. The Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe also meet with NGOs and expect them to put forward proposals for their work. Furthermore, NGOs may also be invited to sit on Council of Europe committees of experts active in fields for which NGOs have special competence, for example the NGO Countryside and Environment Grouping is a member of the working group of the Pan-European Biological and Landscape Diversity Strategy.

The Countryside and Environment Grouping brings together some forty international NGOs with an interest in the development of rural areas and in the environment. The grouping is currently preparing a contribution to be taken into account by the Council of Europe as well as national and regional governments at the Johannesburg World Summit on Sustainable Development. The grouping adopted a motion acknowledging the failure at global level with regard to the hopes raised during the 1992 Earth Summit in Rio de Janeiro by the adoption of Agenda 21 and the Convention on Biological Diversity.

On the eve of the Johannesburg Summit, the Countryside and Environment Grouping recognised that the stakes remain largely the same as ten years ago, and that, more than ever, civil society must become the force behind decision-making. In particular, the motion called for the Council of Europe, and in particular the Committee of Ministers, to reaffirm that sustainable development is a priority concern and aim of the Council of Europe, and to encourage all European regions, towns and villages to adopt an Agenda 21.

The grouping called for national and regional governments to take action to integrate economic, social and environmental policies and involve citizens and local players in decision-making in accordance with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998); to undertake to conduct negotiations on the protocol to the Espoo Convention on Envi-

ronmental Impact Assessment in a Transboundary Context (1991) ahead of the Kyiv conference in 2003; to protect animal and plant species, habitats and ecosystems; to continue to implement alternative manufacturing and food production models in order to protect the health and ensure the safety of people and the natural environment; to promote alternative models of consumption that will enable resources to be sustained and waste limited in particular by education and suitable technologies; to introduce tax reforms favourable to sustainable development by abolishing subsidies for detrimental practices and imposing an "eco-tax" on products which pollute or are highly energy-consuming; to reinforce liability for environmental damage; and that member states must undertake to ratify the Council of Europe's Lugano and Florence conventions.

Lastly, the motion called on national and regional governments to make greater efforts in the medium and long term, regardless of electoral considerations, to save the planet and guarantee just development for all.

The full text of the motion is available on [www.coe.int/ong](http://www.coe.int/ong).



*Raising young people's awareness of their environment is one of the many things NGOs are involved in.*

# The Congress of Local and Regional Author

Local and regional authorities can make a substantial contribution to national sustainability strategies. They already played a key role at the 1992 "Earth Summit" in Rio which drew up a framework for future action on sustainable development across the globe. Their understanding and implementation of sustainable development has evolved since 1992, now viewing sustainable development as more than an "environmental" movement. Priority local sustainable development issues also include poverty reduction, equity, social justice and security.

Over the past ten years, European local and regional authorities have built on their inherent strengths to become champions and facilitators of sustainable development. They can provide good governance and respond to the needs of their communities, thus creating a positive, cumulative effect on environmental, economic and social conditions, despite jurisdictional and other barriers which continue to hamper sustainable development efforts.

Sustainable development issues have always featured high on the agenda of the Congress of Local and Regional Authorities of Europe (CLRAE). Throughout the last decade a number of reports, resolutions and recommendations have been adopted on environmental and sustainability questions. Let me mention just a few of the texts adopted in this period.

The report on "municipal and regional environmental policy in Europe" (1972) investigated the way in which local and regional authorities organise themselves to meet their environmental responsibilities. The report on the "quantity and quality of drinking water in Europe" (1992) highlighted the problems of water provision and suggested measures for solving them. The report on "combating the greenhouse effect and protecting the ozone layer" (1993) recommended a number of policy actions to help avert a climatic catastrophe.

The report on "sustainable development at local and regional levels" (1997) made an inventory of local and regional government initiatives aimed at making sustainable development a key objective in policy-making. The report on "local and regional economic instruments for the environment" (1997) showed how such

instruments can be effectively implemented at the local and regional levels. The report on "nuclear safety and local/regional democracy" (1998) called for rights to consultation, access to information and accountability from the European nuclear industry to local and regional authorities.

The European Landscape Convention, which offers European citizens an international legal safeguard to satisfy their demand for protecting the landscape, was also an initiative of the Congress.

Based on this solid heritage, the CLRAE established a new Committee on Sustainable Development – one of its four statutory committees – as part of the structural reforms in the year 2000. By setting up the committee, the Congress reaffirmed that local and regional authorities need to be key components of national sustainable development strategies if such plans are to succeed.

The committee, which – similarly to the Congress itself – works in chambers (one for local and one for regional authorities) in addition to the plenary committee, started its activities by elaborating a report on "mobile telephone base stations and local/regional authorities" (2001).

The report was prompted by the increasing proliferation of telecommunications masts in Europe, often erected close to residential property, without the public being informed or consulted. There is a great variety of national standards concerning the limits of exposure to electromagnetic fields. This situation is causing concern with the public as well as local and regional authorities, with the majority demanding an enhanced level of control. According to the report, the gaps in present knowledge are sufficient to justify a precautionary approach. The recommendation aims at introducing stricter exposure limits and reinforcing the authority of regional and local governments over decisions regarding the placement of telecommunications facilities in their area. The committee also drew up a report on the "liberalisation of the energy market and its implications for sustainable development" (2002). This stresses that the major effects of deregulation, namely lower electricity prices and higher uncertainties for investors in generation capacities, have

a negative impact on environmentally sound technologies. In its recommendation, the CLRAE calls for an integrated energy strategy that involves all levels of government and all sectors of the society to meet the challenge of the rapid growth of energy demand and the growing threat of climate change.

Another recent report deals with the problems of Europe's countryside. Major forces of change affect Europe's rural communities. The rural heritage is rapidly being eroded and even destroyed by social or technological changes, modern agriculture, urban growth, neglect and other forces. Concentrated effort is needed to revive and strengthen the rural economies: programmes of rural development should recognise the main concerns of the countryside, raise the awareness and enlist the energy of rural people. The recommendation puts forward a broad range of policy measures that necessitate the involvement of many bodies, governmental and non-governmental, at local, regional, national and international levels.

Major disasters and emergencies in recent years have caused widespread damage and loss to communities. Whether they be natural disasters, such as floods, storms, earthquakes, landslides, avalanches, forest fires, or man-made, such as water and air pollution, industrial and transport accidents, local authorities have a role in prevention, information, training and rehabilitation. The report on local authorities confronting natural disasters and emergencies identifies some current shortcomings and points the way for improvement of response. It also suggests that the CLRAE prepares, subsequently, a manual for local authorities on dealing with disasters and emergencies.

Finally, on the occasion of the tenth anniversary of the Rio Conference, the CLRAE prepared a report on "Rio + 10: Towards the next World Summit on Sustainable Development". This reviews the progress made by local and regional authorities in implementing Agenda 21 and the principles adopted at the 1992 Rio Conference. It also includes a declaration, which is intended as the CLRAE's contribution to the next World Summit on Sustainable Development, to be held in Johannesburg in August 2002. The declaration calls on the different tiers of gov-



## ities of Europe

ernment to implement concrete actions directed towards sustainability, and to accelerate the transition toward secure, equitable and sustainable communities.

**Moreno Bucci**

*Former Chairman of the Committee on Sustainable Development Council of Europe*



V. Grishuck/Sipa Image

*Mariyopol steelworks, Russian Federation*

### Training for sustainable development

Many European municipalities place sustainable development at the heart of their activities. They produce local action plans integrating environmental, social and economic concerns. Creation of increased environmental awareness at all levels of society is a prerequisite for success.

The training needs of local government officials and politicians appear among the most urgent and, at the same time, the least attended areas of capacity building. Inclusion of an environmental component in local government training courses is a relatively recent phenomenon and many of those courses are still in the pilot phase.

Such programmes seek to identify the new skills and qualifications required for sustainable development. For example, the UNEP-International Environmental Technology Centre (IETC) has developed a capacity-building strategy by designing and implementing pilot training

programmes in environmental management. It has also published a handbook for *The Councillor as Guardian of the Environment*.

Training activities obviously vary a great deal from country to country. In most European countries the national associations of local authorities support Local Agenda 21 efforts by providing training and consultation. But there are also an increasing number of European networks aimed at developing information exchange and training to help decision makers in implementing these types of policies as well as identifying practical examples of sustainable development.

ICLEI (the International Council for Local Environmental Initiatives) provides guidance, technical assistance and training to European cities and regions. This is a collaborative effort of mutual support and collective learning, with technical advice provided by experts.

The European Network of Regional and Municipal Environmental Protection Agencies (EURREPAS) has been set up to facilitate exchange of information on environmental policies and to organise international workshops and training courses.

Networking for mutual support, training and practice exchange is an important feature of Local Agenda 21 work. As well as joining up with others in their regions, more and more municipalities are signing up to such Europe-wide networks to benefit from new synergies.

**György Bergou**

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# The European Conference of Ministers resp

The Council of Europe's European Conference of Ministers responsible for Regional Planning (CEMAT) brings together representatives of the Council's forty-four member states, united in their pursuit of a single objective: sustainable spatial development of the European continent.

The activities of the Council of Europe relating to regional planning began in 1970 in Bonn, where the first European Conference of Ministers responsible for Regional Planning was held. Work in this field began because of a concern expressed by the Parliamentary Assembly of the Council of Europe back in the early 1960s, reflected in the presentation in May 1968 of a historic report: "Regional planning: a European problem".

During the activities carried out over the years, fundamental documents have from time to time been adopted which have guided spatial planning policies: the European Regional/Spatial Planning Charter, adopted in Torremolinos in 1983, and the European Regional Planning Strategy put forward in Lausanne in 1988. Work on both of these was carried out in close co-operation with the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of Europe.

More recently, the 12th session of the CEMAT, held in Hanover on 7 and 8 September 2000, adopted the "Guiding principles for sustainable spatial development of the European continent". These "Guiding Principles" represent, for the Council of Europe's member states, including their regions and municipalities, both a reference document and a flexible and forward-looking framework for co-operation. They provide a vision, or blueprint, for the sustainable development of the European continent.

On 30 January 2002, the Committee of Ministers of the Council of Europe adopted Recommendation Rec(2002)1 to member states on the guiding principles for sustainable spatial development of the European Continent. This recommendation states that the Guiding Principles:

- make a major contribution to implementation of the social cohesion strategy adopted by the heads of state and government of Council of Europe member states at their second summit, in Strasbourg, in 1997;
- constitute a policy framework, taking account of the relevant activities of the Council of Europe and its bodies, particularly those of its Parliamentary Assembly and Congress of Local and Regional Authorities of Europe (CLRAE), in the field of Europe-wide spatial devel-

opment policy, and with the potential to help to consolidate the European integration process through transfrontier, interregional and transnational co-operation;

- are a coherent strategy for the integrated and regionally balanced development of the European continent which, based on the principles of subsidiarity and reciprocity, will increase competitiveness, co-operation and solidarity among local and regional authorities across borders, thereby contributing to the democratic stability of Europe.

The Committee of Ministers therefore recommends:

- that the Guiding Principles be used as a basis for spatial planning and development measures;
- that they be put into practice as appropriate in the context of spatial planning projects; and
- that regional governmental and administrative bodies continue to be set up to facilitate better spatial integration of the various regions of Europe.

The Guiding Principles take account, in the context of sustainable development, of the needs of all who live in Europe's regions, without jeopardising the fundamental rights and development prospects of future generations. They are particularly intended to bring people's economic and social expectations into line with their regions' ecological and cultural functions, thereby contributing to large-scale sustainable and balanced spatial development. Consequently their implementation requires close co-operation between the spatial planning sphere and the sectoral policies which influence the local and regional structures of Europe. The Guiding Principles also take account of worldwide international co-operation, especially as carried out within the framework of the UN Commission on Sustainable Development. Resolution No. 2 on the organisation of the 13th session of the European Conference of Ministers responsible for Regional Planning, adopted at the 12th session of the conference, held in Hanover on 7 and 8 September 2000, instructs the CEMAT Committee of Senior Officials to "foster transnational and interregional co-operation by carrying out development projects supported by EU instruments and international finance institutes". The Ministers asked the Committee of Senior Officials to "present concrete results or evaluations at the next CEMAT Conference".



S. Cordier

*Every effort must be made to ensure that road verges are not the only place where nature can survive*

# onsible for Regional Planning

The 13th session of the CEMAT is to be held in Ljubljana, Slovenia, on 11 and 12 September 2003, and will have as its theme: "Implementation of strategies and visions for sustainable spatial development of the European continent". It will look more particularly at the local and regional dimension of sustainable development.

Under the work programme of the CEMAT Committee of Senior Officials, efforts are now being made to promote governance and participation, vertical and horizontal co-operation, the integration of Europe's major areas, exchanges of experience and of proposed models of sustainable spatial development, the passing on of information about national spatial planning systems and the setting up of co-operation networks.

On the eve of the World Summit on Sustainable Development to be held in Johannesburg by the UN from 26 August to 4 September 2002, it is indeed appropriate to promote:

- methods of sustainable spatial development which foster economic and social cohesion;
- efficient and sustainable transport systems and access to the information society;
- the conservation, enhancement and management of landscapes and of the natural, cultural and landscape heritage;
- environment protection, resource management and risk prevention.

The Council of Europe is pleased to present the Guiding Principles to the World Summit, as a contribution to implementation of the UN Agenda 21 programme adopted in Rio, and in order to start an intercontinental dialogue.

**Margarita Jančič**

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*Oporto and the Douro, an example of successful architectural integration*

**The "Guiding principles for sustainable spatial development of the European continent" are divided into six sections**

- |  |   |
|--|---|
| <p><b>I. Contribution of the Guiding Principles to the implementation of the social cohesion policy of the Council of Europe</b></p> <p><b>II. Spatial development policies in Europe: new continent-wide challenges and prospects</b></p> <ol style="list-style-type: none"> <li>1. Intercontinental relationships as strategic elements for European spatial development policy</li> <li>2. The multiplicity of cultures</li> <li>3. Large European regions as a basis for mutual support and co-operation</li> <li>4. Integration of the old and new member states</li> </ol> <p><b>III. Specific role of the private sector in spatial development</b></p> <p><b>IV. Principles of a planning policy for sustainable development in Europe</b></p> <ol style="list-style-type: none"> <li>1. Promoting territorial cohesion through a more balanced social and economic development of regions and improved competitiveness</li> <li>2. Encouraging development generated by urban functions and improving the relationship between the town and the countryside</li> <li>3. Promoting more balanced accessibility</li> <li>4. Developing access to information and knowledge</li> <li>5. Reducing environmental damage</li> <li>6. Enhancing and protecting natural resources and the natural heritage</li> <li>7. Enhancing the cultural heritage as a factor for development</li> <li>8. Developing energy resources while maintaining safety</li> <li>9. Encouraging high quality, sustainable tourism</li> <li>10. Limitation of the impact of natural disasters</li> </ol> | <p><b>V. Spatial development measures for different types of European regions</b></p> <ol style="list-style-type: none"> <li>1. Landscapes</li> <li>2. Urban areas</li> <li>3. Rural areas</li> <li>4. Mountains</li> <li>5. Coastal and island regions</li> <li>6. Eurocorridors</li> <li>7. Flood plains and water meadows</li> <li>8. Redundant industrial and military sites</li> <li>9. Border regions</li> </ol> <p><b>VI. Strengthening of co-operation between the member states of the Council of Europe and participation of regions, municipalities and citizens</b></p> <ol style="list-style-type: none"> <li>1. Possibilities of conceiving a development-oriented spatial planning</li> <li>2. Developing Europe-wide co-operation activities on the basis of the Guiding Principles</li> <li>3. Horizontal co-operation</li> <li>4. Vertical co-operation</li> <li>5. Broadly-based participation of society in the spatial planning process</li> </ol> |
|--|---|

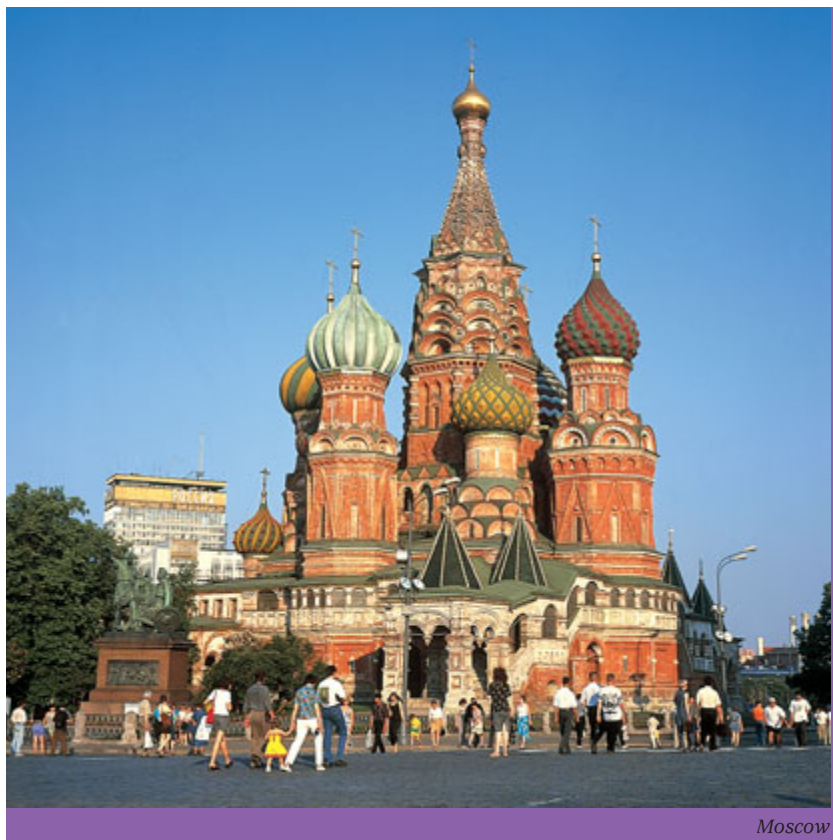
The Guiding Principles are intended to highlight the local and regional dimension of human rights and democracy. The aim is to identify spatial planning measures enabling the populations of all Council of Europe member states to achieve an acceptable standard of living. This represents a fundamental prerequisite for implementation of the Council of Europe's social cohesion strategy and for the stabilisation of democratic structures in the municipalities and regions of Europe. Although the European continent is marked by the diversity derived from its history and its geography, the Guiding Principles need to be implemented evenly, both at the national and at the local and regional levels.

# The CEMAT Model Regions in the Russian Federation

Europe is a diverse continent. The fall of the iron curtain, just to mention one political action of great relevance, and the progressive integration of the European continent underline once more that diversity is to be safeguarded and to be developed. To bridge the gap between West and East, transnational, interregional and cross-border co-operation is necessary. People should learn from each other and develop their own projects to achieve an acceptable standard of living. But different actions need common visions. Therefore, ministers responsible for regional planning in the member states of the Council of Europe (CEMAT) adopted the "Guiding principles for sustainable development of the European continent", the so-called CEMAT Guiding Principles, at their 12th Session in Hanover, Germany, in September 2000. These Guiding Principles provide a commonly accepted vision for the spatial development of Europe.

Our joint project the "CEMAT Model Region" which is carried out on behalf of the German Federal Ministry of Transport, Building and Housing under the broad umbrella of the Council of Europe aims at applying the CEMAT Guiding Principles in an exemplary way in Russian regions by politically monitoring and technically supporting the process of regional development in Russia. To be effective and successful regional seminars and expert meetings will be held in order to revise existing planning documents and adjust them to a modern way of regional planning, according to the CEMAT Guiding Principles.

The Russian Federation is one of the youngest member states of the Council of Europe. However, today its regions are having to face challenges similar to those most other Council of Europe member states are trying to overcome. The most aggravated situation can be seen in areas adjacent to major cities. That is why it was decided that the first CEMAT Model Regions should be located in the two "metropolitan" oblast regions of the Russian Federation: Moscow Oblast and Leningrad Oblast (regions surrounding respectively the cities of Moscow and St. Petersburg). When examining the situation in Moscow Region and Leningrad Region one experiences that taken together they include nearly all types of prime action areas specified by the CEMAT Guiding Principles. Thus, a complex positive solution achieved



Moscow

F. Hollweck/Pluriel

in the course of investigation can be duplicated in any other region with adjustments reflecting specific geographical features.

Russian authorities, spatial planners and the general public willingly support the project as the start of practical participation in "Europe of regions". They expect that the implementation of CEMAT Guiding Principles will result in the gradual elimination of inter- and intraregional disparities and favour further development of bilateral and multilateral co-operation in the context of social, economic and ecological cohesion. The first step that has been made already was the official introduction of the CEMAT Guiding Principles as an inalienable part of regional development programmes for the next decade.

The project's outcomes will be presented on the occasion of the 13th session of CEMAT to be held in Ljubljana (Slovenia) in autumn 2003. The Council of Europe very much welcomes the establishment of a network of CEMAT Model Regions in order to implement the CEMAT Guiding Principles in reality and to help Europe become a more socially and economically balanced space.

For further information on the project proceedings please refer to our Russian project homepage at [www.cemat-region.ru](http://www.cemat-region.ru)

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# Cross-border planning co-operation in the Tissa/Tisza river basin

Over the years cross-border planning co-operation between the longer-standing Council of Europe member states has developed considerably as a result of action by central government and by regional and local authorities. For more recent member states, cross-border co-operation is a new and special challenge: for many decades borders remained closed, some new borders have now emerged, and border regions, developmentally, were much neglected. Closer cross-border co-operation is essential not only for economic development of border regions but also to preserve social and political cohesion nationally.

The specific planning task in border regions and cross-border co-operation is to develop common policy in the form of a cross-border structural master plan and joint planning for the areas on either side of the border, and this has to be based on in-depth study of the whole network of functional links between the areas so that the entire cross-border region is developed homogeneously. Particular attention must be paid to:

- the development of cross-border infrastructure and cross-border transport and telecommunications services;
- cross-border conservation and sustainable use of natural resources (particularly in mountain, coastal, forest, wetland and similar areas) and water resources;
- the cross-border dimension to the supply of public and private services;
- coherent planning policy for towns, cities and areas with cross-border ethnic communities;
- organising the cross-border job market; and
- combating cross-border effects of pollution.

On 7 March 2001 the Council of Europe Committee of Ministers agenda included the "Possible contribution of the Council of Europe in cases of environmental disasters in rivers such as the Tisza/Tissa and Szamos/Somes". The Committee called on the countries concerned to continue efforts towards effective regional

co-operation in environmental matters, possibly including an agreement between them under Council of Europe auspices.

Work on this at the Council of Europe has been part of activities on sustainable regional development. The focus in these activities has been on implementing the "Guiding principles for sustainable spatial development of the European continent" which the 12th European Conference of Ministers responsible for Regional Planning (CEMAT) adopted in Hanover in September 2000 and which were then issued as Council of Europe Committee of Ministers Recommendation Rec (2002) 1 to member states. Section 9 of the principles deals with cross-border ("transfrontier") co-operation.

A group of experts met for the first time in Strasbourg on 14 December 2001 and decided that a draft agreement (or strategy) could be worked out on sustainable development of the Tisza/Tissa River basin.

On 15 and 16 May 2002, in Dresden (Germany), the Council of Europe (the Congress of Local and Regional Authorities of Europe and the CEMAT), in co-operation with the Land of Saxony and the Federal Ministry of Transport, Building and Housing, held a European conference on the role of local and regional authorities in transnational European co-operation with respect to regional development and spatial planning. The confer-

ence's conclusions endorsed the Guiding Principles and advocated designating CEMAT "model regions" for putting the principles into practice.

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Aerial view of the river

# The EUR-OPA Major Hazards Agreement

In Resolution 87(2), the Committee of Ministers of the Council of Europe laid down an intergovernmental open partial agreement entitled "EUR-OPA Major Hazards Agreement" in March 1987. It is termed "partial" and "open" because any state whether or not belonging to the Council of Europe can ask to accede to it.

The agreement currently has twenty-five member states: Albania, Algeria, Armenia, Azerbaijan, Belgium, Bulgaria, Cyprus, Spain, France, Georgia, Greece, Italy, Lebanon, Luxembourg, Malta, Moldova, Morocco, Monaco, Portugal, San-Marino, Romania, the Russian Federation, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine. Japan has observer status with the agreement.

The European Commission, UNESCO, WHO and the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) participate and the International Federation of Red Cross and Red Crescent Societies is associated in the work done under the agreement.

## Main objective

It is achieving closer and more active co-operation among the member states of the EUR-OPA Major Hazards Agreement in a multi-disciplinary perspective, in order to ensure better prevention, protection and organisation of relief in the event of major natural and technological disasters, drawing on all current resources and knowledge to ensure effective, unified management of major hazards.

## Presidency

France has presided over the agreement since February 2000, the presidential office being held by Mr Michel Sappin and the Vice-Presidency assigned to Mr Bouderbali, Director General of Civil Defence of Algeria.

## Policy appraisal

The ministers of the agreement, at the ministerial sessions, establish policy guidelines and priorities in risk management (knowledge, prevention, alert, management of emergency situations, post-crisis analysis, rehabilitation). Subsequently, the Committee of Permanent Correspondents issues instructions to the executive secretariat of the agreement for implementation. These are the principle outcomes:

- establishment of a platform for consultation and co-operation which gathers on an equal footing western European coun-

tries, many countries of the former Soviet Union: the Russian Federation, Ukraine, Armenia, Georgia, Azerbaijan and Moldova and southern Mediterranean countries: Morocco, Algeria, Lebanon;

- representation of the "Europe Region" within the "Task Force" of the United Nations International Strategy for Disaster Reduction (ISDR);
- comparative analysis of national legislation on risk management in the Euro-Mediterranean region, co-ordinated by the Belgian centre in co-operation with the European centres in Kyiv (Ukraine) and Sofia (Bulgaria).

## Achievements

1. Creation of a permanent platform for scientific and technical co-operation

Consisting of a Euro-Mediterranean network of twenty-three specialised centres with functions of research, training and expertise. These facilities make for a multinational, multidisciplinary approach to risks and related problems.

2. Training and awareness-raising activities

### Schools

A Euro-Mediterranean schools network has been created following a series of specialised conferences on the theme of educating children in risk prevention, organised by the European Centre for School

Level Training in Risk Prevention (CSLT) in Sofia (Bulgaria).

The spirit of the SESAM plan in order to implement teaching programmes about risk prevention, tailored to suit each school, underpins the network. Specific actions are also conducted in relation to groups of pupils with special needs (motor or mental handicaps; situations of social exclusion).

A technical secretariat has been set up, with assistance from Salerno Province at the European University Centre for Cultural Heritage in Ravello, Italy, with the task of collecting audio-visual material suited to pupils' needs. The European centre in Cyprus is working on ways of using the Internet to back up these programmes.

At the Sofia seminar on 9 and 10 May 2002, it was proposed to set up a Euro-Mediterranean network of national observatories on safety in schools and higher education institutions.

### University level

Different European and Euro-Mediterranean Masters degrees have been created:

- European Master in Disaster Medicine at the European Centre for Disaster Medicine in San Marino as from the 2000/2001 academic year;
- European Master (French DESS) in Risk Science according to a multi-disciplinary approach at the University of Montpellier (Montpellier I, II, III and School of



Earthquake in Davarly in north-western Erzincan, Turkey, 13 March 1992

Mines in Alès (France) as from the 2001/2002 academic year;

- Constitution of a Euro-Mediterranean network of universities interested in organising Masters courses, and planned creation of a European or Euro-Mediterranean Doctorate in Risk Science.

#### Professional context

In Kosovo, projects have been developed at the request of the Special Representative of the United Nations Secretary General in Prishtina:

- analysis of hazards in this region (March-April 2000);
- assistance in setting up the Civil Defence College in Kosovo, allowing conversion of the UCK force (Kosovo Liberation Army) into a civil defence system, the KPC (Kosovo Protection Corps);
- organisation of courses over six months to train the senior staff of the new college;
- production of a handbook for the training of teaching staff at the Civil Defence College.

Nine European centres belonging to the EUR-OPA Major Hazards Agreement took part in this initiative.

#### Public information

A trial is currently in preparation with a view to introducing "dedicated radios" (RADRIM-Radio Risques Majeurs project). It is intended to help improve information and awareness regarding knowledge and prevention of natural, technological or

social risks, health hazards, etc. The proposed red radio sets would combine four programme levels: European and international, national, regional and local. As a civic gesture, the mayors of the municipalities participating in the project would present a free radio set to each family. For the time being, trials are planned in a few French municipalities including Bordeaux and Nîmes.

#### 3. Scientific and technical activities

- STRIM Programme (Space Technologies for Risk Management) is aimed at educating risk managers in the use of space technologies to support risk management, in the fields of telecommunications and use of space imagery and global positioning.

- EDRIM Programme (Electronic Discussion Group for Risk Management) Secure Intranet consists in the installation of an experimental network of hybrid telecommunication systems (satellite and conventional) between risk managers as an aid to exchange of information, discussion and co-operation. This programme was implemented under the RIMS (Risk Management Services) project supported by the European Commission, DG Information Society.

Four simulations have been carried out:

- Draguignan: simulation of an accident in the transport of toxic materials;
- forest fire control between Spain and Portugal;

- flood control in the Meuse Basin;
- coping with an earthquake in Greece.

4. Programme of assistance to decision-making in risk management: contribution of the scientific community

With the support of the European Commission's DG Research-International Cooperation, a programme has been set up to rally the scientific community in support of improved aids to decision-making in the field of risk management. The underlying principle of the project derives from the idea that decision makers should be supplied with the right form of appropriate structured knowledge as and when requested to assist their decision-making. Following the review seminar organised in Montpellier from 12 to 14 December 2001, a set of proposals was produced and various schemes were put out to tender, for example:

- water models development and decision support system for integrated management of water resources in Euromed countries;
- international conference on environmental security in the Danube river basin;
- integrated management of flood risk and water resources for areas subject to flash floods;
- Chernobyl public awareness and scientific co-operation;
- information and prevention of major industrial hazards in Europe and Mediterranean partner countries;
- likewise, the system of aid to decision-making was tested from 1 to 31 March 2002 for the benefit of the European Commission's ECHO Directorate. The test involved provision within 48 hours of a damage assessment after an earthquake occurring anywhere in the world. Appendix II contains a brief description of this test and an appraisal by the European Commission.

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F. Tondre

## Conference on Agriculture and Biodiversity

A high level Pan-European Conference on Agriculture and Biodiversity to be held in Paris on 5 and 7 June 2002 is a good example of how the Council of Europe promotes the integration of biological and landscape diversity into sectoral policies. In Europe there is a long history of interaction between humans and nature, as so much of the biological diversity of our continent relies on the ecological quality of agricultural systems, which may be negatively affected by some short-sighted

agricultural policies. Thus it is important to promote a better integration of environmental concerns in agriculture as a way to improve biodiversity and landscapes.

The conference, held at the invitation of both the Ministers of Agriculture and of the Environment of France, will examine those issues and send recommendations to relevant organisations as a contribution to future agricultural and environ-

mental policy-making at national and regional level. It will also provide input to policy work and programmes within the framework of the Convention on Biological Diversity, the Pan-European Ministerial Conference "An Environment for Europe", the United Nations Convention to Combat Desertification and the EU Common Agricultural Policy and national policy development, *inter alia* in relation to EU enlargement and relevant other international fora.



Andreas Lang



## Marine and coastal ecological corridors

The Council of Europe organised a colloquy on "Marine and coastal ecological corridors" in co-operation with the Countryside Council for Wales, in Llandudno (UK) on 20 and 21 June 2002.

The colloquy was held in the framework of the Pan-European Biological and Landscape Diversity Strategy (PEBLDS), and aimed at developing co-operation between the various institutions, initiatives and conventions active in the field of conservation on marine and coastal biodiversity with a view to supporting the programmes for the protection of marine and coastal biodiversity and the ecological corridors.

In the field of marine and coastal ecosystems, the pan-European strategy focuses on developing and implementing a European coastal and marine ecological network as a fundamental element of the Pan-European Ecological Network (PEEN), one of the prime objectives of the PEBLDS. In this framework, the protection of coastal landscape systems through an ecosystems/habitats approach under the Natura 2000 and the Emerald Network was encouraged. This process should ensure the identification and safeguarding of areas of high biodiversity value and creation of marine protected areas in order to protect the full variety of marine biodiversity, with additional measures to protect important species.

The participants considered that the Pan-European Ecological Network will provide a consistent and coherent approach, from both geographical and ecological points of view, to conserving European coastal and marine natural heritage. They appealed for special consideration to be given to coastal and marine ecosystems in developing the network, through the intention to establish, as part of the PEEN, the European Coastal and Marine Ecological Network (ECMEN).

The participants stressed the following points:

- there is a lack of an overall and consistent policy and legal approach towards corridors in Europe, specific legislation for protecting coastal and marine ecological corridors is missing, in other cases laws are overlapping;
- the Pan-European Ecological Network (PEEN) is in different stages of development in different European countries and marine areas are often being neglected;
- few countries have specific, national policies on ecological networks within their biodiversity policies;
- the amount of marine protected areas remains highly disproportional and is

mostly restricted to coastal and territorial waters only; and

- not all countries have joined and ratified all relevant international conventions.

Therefore, the participants welcomed the initiative of the Council of Europe towards an internationally agreed policy concerning the development, implementation and protection of coastal and marine ecological corridors in the framework of the establishment of the Pan-European Ecological Network.

### Human rights and the environment

This book written by Maguelonne Déjeant-Pons and Marc Pallemmaerts brings together, for the first time, international texts all of which stress the importance of the "human right to environment". These instruments have established the existence of procedural rights such as access to information, public participation in decision-making, and access to justice in environmental matters. They also show the emergence of a substantive human right to a quality environment.

All of these are evaluated and the need to open a debate about human duties towards the environment is considered. The book demonstrates, in a comprehensive manner, how important it is to have a high standard of environmental protection as a fundamental human right; it makes an important contribution to the search for suitable instruments for protecting environmental quality, for the benefit of present and future generations.



Illustration: André Béguin

You may order the book from the Council of Europe publishing department, F-67075 Strasbourg Cedex, publishing@coe.int or by visiting the site: <http://book.coe.int>.



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