



*Landscape and sustainable development:
challenges of the European
Landscape Convention*

Landscape and sustainable development

Challenges of the European Landscape Convention

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Paysage et développement durable – Les enjeux de La Convention européenne du paysage

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Photo: Jean-François Seguin

“On the Long Strand, an Irish beach, pebbles unite in their diversity as if in homage to the European Landscape Convention”

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Preface

The European Landscape Convention was adopted in Florence (Italy) on 20 October 2000 under the auspices of the Council of Europe, with the aim of promoting European landscape protection, management and planning, and organising European co-operation in this area. It represents the first international treaty to be exclusively concerned with all aspects of European landscape. It applies to the entire territory of the parties and covers natural, rural, urban and peri-urban areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.

The convention represents an important contribution to the implementation of the Council of Europe's objectives, namely to promote democracy, human rights and the rule of law and to seek common solutions to the main problems facing European society today. By taking into account landscape, cultural and natural values, the Council of Europe seeks to protect Europeans' quality of life and well-being in a sustainable development perspective.

The Council of Europe has undertaken a work aiming at examining and illustrating certain fundamental aspects of the convention: Landscape and

- social, economic, cultural and ecological approaches;
- individual and social well-being;
- spatial planning;
- innovative tools;
- identification, assessment and quality objectives;
- awareness-raising, training and education;
- international policies and programmes; transfrontier landscapes;
- public participation.

This book has been produced thanks to the Council of Europe experts' reports and to the results of the workshops which have taken place on the implementation of the European Landscape Convention and have enabled specific examples and cases to be used to illustrate the same themes.¹ The various resulting publications may thus be examined together.

Our thanks go to Messrs Michel Prieur, Yves Luginbühl, Bas Pedroli, Jan Diek Van Mansvelt, Bertrand de Montmollin and Florencio Zoido for the excellent quality of their contributions to the debate.

1. Documents T-FLOR 2 (2002) 18 and 18 addendum and T-FLOR (3 (2002) 12. Also see Council of Europe Publishing, European spatial planning and landscape series, 2005, No. 72 and 2006, No. 74.

The reports were presented to two Conferences of the Contracting and Signatory States to the European Landscape Convention, held before the convention even came into force, the first on 22 and 23 November 2001, the second on 28 and 29 November 2002 and to the conference held when the convention came into force, on 17 June 2004.² The representatives of governments and of international governmental and non-governmental organisations who attended these conferences thus had the opportunity to discuss the relevant issues and to take the first steps towards optimum implementation of the convention.

The main feature of the European Landscape Convention, which is wholly dedicated to landscape, meaning landscape as a whole, is the way it in which it calls for the landscape to be valued as a product of history, the fount of cultural identity, a heritage to be shared, and a reflection of a Europe of multiplicity.

The task ahead, an ambitious one, is hugely important to the future of our land and our surroundings. We wish every success to those who are committed to it.

Maguelonne Déjeant-Pons
Head of Spatial Planning
and Landscape Division
Council of Europe

Enrico Buergi
Chair of the European Landscape
Convention Conferences,
2001-2004

2. Documents T-FLOR 1 (2001) 19, T-FLOR 2 (2002) 27 and T-FLOR (2004) 15.

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1. Landscape and social, economic, cultural and ecological approaches

Michel Prieur, expert to the Council of Europe

“The member States of the Council of Europe signatory hereto [...]

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

Preamble to the European Landscape Convention

Introduction

As the first regional international convention exclusively to do with landscape, the convention opened for signature in Florence on 20 October 2000 has aroused great interest among Council of Europe member states. In a modern way in keeping with the universal principles of the Rio Declaration, the convention reflects the Council of Europe's main objectives: democracy, extension of human rights to take in the environment, and helping solve the main problems of contemporary European society. It also gives practical effect to the joint Council of Europe-United Nations Environment Programme Pan-European Strategy for Biological and Landscape Diversity which environment ministers of 55 European countries approved at Sofia on 25 October 1995. Action Theme No. 4 in the 1996-2000 Action Plan was entitled "Conservation of landscapes", and the aims to be achieved by the year 2000 were:

"To prevent further deterioration of the landscapes and their associated cultural and geological heritage in Europe, and to preserve their beauty and identity. To correct the lack of integrated perception of landscapes as a unique mosaic of cultural, natural and geological features and to establish a better public and policy-maker awareness and more suitable protection status for these features throughout Europe."

The European Landscape Convention can be regarded as having amply risen to those challenges: it goes well beyond mere protection of landscapes to concern itself with landscape management and development, and it promotes public and official awareness of the need to be attentive to all kinds of landscape, whether ordinary ones, outstanding ones or spoilt ones.

The now general recognition that all landscape has a social, economic, cultural and ecological function is due to landscape's contribution – as the preamble to the convention expressly states – both to the community's well-being and sustainable development. In spite of its apparent abstractness, landscape, through its physical composition and its psychological dimension, meets important social and cultural needs while also playing a part in ecological and economic functions. This combination of characteristics, reflecting landscape's multiplicity of functions, is unique. The European Landscape Convention sets out to convince decision makers and the public of the present and potential wealth which all landscapes possess and of the need for all areas of official policy to take this factor, which is now better appreciated, into account.

Why landscape "policies" in the plural? Although Article 1.b of the convention uses the singular in defining the term "landscape policy", the deliberate emphasis is on avoiding imposing any one model in landscape matters. The concern, in

acknowledgment of the “diversity of European landscapes”,³ is to reflect the range of perceptions and cultures by having the Parties work out, not a uniform, authoritarian policy, but “landscape policies”, as stated, this time in the plural, in Article 5.b of the convention, under the heading of general national measures. The plural, within a given country, reflects not only the geographical and ecological diversity of landscapes, which do not necessarily need treating the same way, but also the various levels of spatial responsibility, ranging from national authorities to local bodies. It is therefore permissible for there to be, within the one country, different landscape policies reflecting different local situations and in particular reflecting the local community’s active role in modifying the landscape.⁴ There was also a desire to match the approach to the convention’s wider geographical scope (the convention applies to all parts of the national territory). As stated in the explanatory report of the European Landscape Convention,⁵ that “does not imply that the same measures and policies must be applied to all landscapes; these measures and policies should be adaptable to particular types of landscape, which, depending on their specific characteristics, will need various forms of treatment at local level, ranging from the strictest conservation via protection, management and planning to actual creation”. Diversity of landscape policies is thus perfectly conceivable at the formulation stage, and even more so when it comes to implementation as mentioned in Article 6.E.

In this plural approach one should not see any risk of landscape-policy anarchy, producing different and contradictory policies from one place and one authority to another. The convention seeks neither a new landscape order nor disorder in landscape matters. It requires merely that the public authorities frame general principles, strategies and guidelines,⁶ with a view not to a single type of action on the landscape (for example, systematic conservation) but to applying a range of measures – protection, management, planning or a combination, in time and space, of all three.⁷ Most landscapes need a combination of the three modes of action, and some of them some degree of intervention. The convention does not set out to impose a standard landscape policy. It is simply an international legal instrument which requires the individual state to frame landscape policies appropriate to the particular area and to the needs expressed by the community and to pool policies and experiences at Council of Europe level. The convention does not impose any set menu. It merely lays down the order of courses. However, it does require that the wines go reasonably well with the food.

As a framework for the landscape policies of central government and local entities, the convention stands out for its sobriety, possessing very few clauses (11 articles plus the final clauses). What it sets out is not the content of policies or technical

3. Preamble to the European Landscape Convention.

4. *Ibid.*

5. Paragraph 27 of the explanatory report of the European Landscape Convention.

6. Article 1.b of the European Landscape Convention.

7. Paragraph 41 of the Explanatory report of the European Landscape Convention.

recipes but the methodology to use in order to attain what the preamble states to be the convention's two main objectives:

- individual and social well-being;
- sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment.

Thus it is for the Parties, through active monitoring committees,⁸ to back up convention implementation with European co-operation based on exchange of experience and information and on demonstration of successes or failures. It is hoped this will produce a kind of illustrated, collectively produced users' manual to the convention, guaranteeing consistency of objectives, principles and implementation tools.

Below we shall be considering what, for the purposes of the European Landscape Convention, constitutes the actual foundations of landscape policies. In order to be able to formulate clearly, and then implement, landscape policies, there are various prerequisites. They relate to different conceptual and material levels. First we need a clear statement of the objectives of the new European landscape policy – why a landscape convention? We will then present two key principles of convention accession and implementation. Lastly, to have proper landscape policies, parties to the convention must establish at least minimum machinery in terms of institutions and exercise of responsibilities on the one hand and information arrangements and public participation in line with the convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus, 25 June 1998) on the other.

1.1. The objectives of the convention

The European Landscape Convention takes as its starting point the observable fact of landscape deterioration in Europe, in terms of landscape quality and diversity, as a result of numerous and varied factors. Increased public and official awareness in Council of Europe member states has gone hand in hand with present-day insistence on quality of life in an unspoilt environment, yet at the same time on having the benefit of a degree of economic development.

That is why the convention's main objectives are concerned with guaranteeing both well-being for all and what has been known, since the Brundtland report "Our common future",⁹ as sustainable development.

1.1.1. Well-being for all

Human activity – whether industry, agriculture and forestry, or construction of infrastructure and buildings for various purposes – has visual as well as physical

8. Article 10 of the European Landscape Convention.

9. Gro Harlem Brundtland, World Health Organization, 1987.

impact, modifying the individual's perception of his or her surroundings. It may even cause what some people describe as visual pollution.

The landscape is a familiar part of everyone's daily scene and plays a part in people's sense of belonging to a particular place and a particular community. So on a conscious or even unconscious level it contributes to mental well-being, and unspoiled landscapes perhaps therefore play a part in combating violence. Those who visit or explore an area, as tourists or for work, take away an impression of a particular identity and a local distinctiveness, leading them to judge their experience of the area positively or negatively. Both local people and the visitor will see the landscape as a factor in quality of life or the lack of it.

As stated in Article 5.a of the European Landscape Convention, landscapes are "an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity". It is because landscape is indissociable from people's surroundings that it "is a key element of individual and social well-being", as affirmed in the preamble to the convention.

Clearly, then, the convention's purpose is to do everything possible to preserve that individual and collective well-being by means of officially formulated landscape policies instead of letting landscapes take shape and evolve spontaneously.

The fact that landscape involves a sensitive relationship to an area, without any ownership link between the beholder and the beheld, changes landscape into a genuine "common resource",¹⁰ in other words a collective visual asset or item of common heritage. It is therefore only to be expected that society should take steps to preserve that heritage for present and future generations. The explanatory report to the convention (paragraph 30) expresses this very well:

"In their diversity and quality, the cultural and natural values linked to European landscapes are part of Europe's common heritage, and so European countries have a duty to make collective provisions for the protection, management and planning of these values."¹¹

As, therefore, landscape is both an essential component of community well-being and a common asset, the individual has rights and duties in respect of that asset, which is ample justification, if any were needed, for the obligation – repeatedly stated in the convention – to involve the community in landscape policies (we shall come to this in due course). The preamble to the convention gives a clear statement of the close link between the individual's rights and duties and concern for well-being:

"Believing that the landscape is a key element of individual and social well-being and that its protection, management and planning entail rights and responsibilities for everyone."

10. Penultimate paragraph of the preamble to the European Landscape Convention.

11. Paragraph 36 of the Explanatory Report of the European Landscape Convention.

1.1.2. Sustainable development

The European Landscape Convention's second main purpose is to help achieve sustainable development.

Landscape is a component of the environment, just like water, air and biological diversity. Consequently landscape policies must be so formulated as to fit in with the objectives of sustainable development. As explained in the explanatory report:

“The concern for sustainable development expressed at the 1992 Rio de Janeiro conference makes landscape an essential consideration in striking a balance between preserving the natural and cultural heritage as a reflection of European identity and diversity, and using it as an economic resource capable of generating employment in the context of the boom in sustainable tourism.”

This is why the preamble to the convention gives prominence to sustainable development as one of the treaty's objectives:

“Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment.”

In a statement to the Council of Europe Encounters at Segovia (Spain) the secretary general of Europa Nostra referred to Italy's setting up pilot areas for landscape protection and enhancement:

“The overall cost of an integrated programme of that kind would undoubtedly be greater, he said, than sporadic action but the money was an investment, not economically unproductive expenditure. The pilot zones would show by example, which was the most persuasive way of doing so, that landscape protection was not incompatible with economic development and that, on the contrary, protecting and enhancing the landscape was a prerequisite for sustainable economic development.”¹²

Sustainable development is now a goal built into all environmental policy, and landscape action is consistently referred to as a factor, of no less significance than others, in sustainable development. It is worth drawing attention, here, to the two basic principles that shape the content of sustainable development. These are Principles 3 and 4 of the 1992 Rio de Janeiro Declaration on environment and development:

Principle 3: *“The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”*

Principle 4: *“In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”*

12. Antonio Marchimi Camia, in a paper on protecting the landscape as a priority for civil society, Segovia meeting, 6 and 7 April 2000. See Environmental Encounters, *“Awareness of the landscape: from perception to protection”*, Council of Europe Publishing, 2002, No. 52, pp. 43-49.

Council of Europe Committee of Ministers Recommendation Rec(2002)1 of 30 January 2002 on the Guiding Principles for Sustainable Spatial Development of the European Continent accordingly states:

“The Guiding Principles for Sustainable Spatial Development of the European Continent take account, in accordance with the concept of sustainability, of the needs of all the inhabitants of Europe’s regions, without compromising the fundamental rights and development prospects of future generations. They aim in particular at bringing the economic and social requirements to be met by the territory into harmony with its ecological and cultural functions and at contributing in this way to long-term, large-scale and balanced spatial development.”¹³

The guidelines laid down in the recommendation consequently cover spatial development measures for characteristic types of European region, including the landscape measures contained in the European Landscape Convention.¹⁴

The Final Declaration on the conservation and sustainable use of biological and landscape diversity in agricultural policies and practices¹⁵ recommends, for making sustainable use of biological diversity in all rural areas:

“[Promoting] biodiversity and landscape-sensitive management in the wider countryside through broader agri-environmental programmes to address dispersed species and scattered landscape features.”¹⁶

The conclusions of the Council of Europe international CEMAT Seminar¹⁷ stressed the connection between sustainable development and landscape:

“Agriculture and forestry should not be seen only as economic activities and land uses. They are indispensable tools for landscape management. Their operation methods should be held in line with the goals of prudent and rational land use and sustainable spatial development.”

Leaving aside spatial development and agriculture, tourism derives economic benefit from landscape. Sustainable tourism necessitates careful attention to the

13. Paragraph 8 of the Council of Europe Committee of Ministers Recommendation Rec(2002)1 of 30 January 2002 on the Guiding Principles for Sustainable Spatial Development of the European Continent.

14. Paragraph V-1 Nos. 49 and 50 of the Council of Europe Committee of Ministers Recommendation Rec(2002)1 of 30 January 2002 on the Guiding Principles for Sustainable Spatial Development of the European Continent.

15. Adopted in the framework of the High-level Pan-European Conference on Agriculture and Biodiversity: Towards integrating biological and landscape diversity for sustainable agriculture in Europe. See *Compendium of background reports*, Paris, 5-7 June 2002, Nature and environment series, 2002, No. 133, Council of Europe Publishing, 598 p.

16. “Final Declaration” adopted in the framework of the High-level Pan-European Conference on Agriculture and Biodiversity: Towards integrating biological and landscape diversity for sustainable agriculture in Europe. See *Compendium of background reports*, Paris, 5-7 June 2002, Nature and environment series, 2002, No. 133, Council of Europe Publishing, Appendix (I-A-4), pp. 241-63.

17. International Seminar organised by the Council of Europe and the Ministry of Environment and Spatial Planning of Portugal within the framework of the activities of the European Conference of Ministers responsible for Regional Planning of the Member States of the Council of Europe – CEMAT, Lisbon, 26-27 November 2001, *Landscape heritage, spatial planning and sustainable development – Proceedings*, Council of Europe Publishing, European regional planning series, No. 66, pp. 133-41.

characteristics and evolution of landscape in both rural and coastal areas¹⁸ and this doubly applies in protected areas.¹⁹

Lastly, cultural sites of course need landscape policies geared to sustainability, as pointed out in Council of Europe Committee of Ministers Recommendation No. R (95) 9 of 11 September 1995 on the integrated conservation of cultural landscape areas as part of landscape policies:

“It is important that landscape policies should draw on the principles of sustainable development while striving, by taking appropriate measures, for compatibility between the managed evolution of the landscape and the economic and social changes which tend to alter the environment.”²⁰

The fact is that by taking care of the landscape we simultaneously promote communal well-being, safeguard the environment and protect economic activity. All four ingredients of sustainable development (social, ecological, economic and cultural improvement) are thus involved here. The explanatory report to the convention makes that point several times:

“This [individual, social and cultural fulfilment] may help to promote the sustainable development of the area concerned, as the quality of landscape has an important bearing on the success of economic and social initiatives, whether public or private.”²¹

“These various treatments [of landscapes] may allow an important socio-economic development of the areas concerned.”²²

The preamble to the convention, which, legally, has the same force as the body of the text, states the economic as well as social impact of landscape:

“... [the landscape] constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation.”

1.2. The principles of the convention

The European Landscape Convention contains, both directly and indirectly, a large number of principles. Arguably the convention’s scope²³ is a principle in itself, given the innovativeness of stating that all landscapes deserve attention, regardless of their value and even if they are everyday or degraded landscapes. It has been said that the convention democratises landscape, taking a social rather than an

18. See Council of Europe Committee of Ministers Recommendation No. R (97) 9 of 2 June 1997 on a policy for the development of sustainable environment-friendly tourism in coastal areas.

19. See Council of Europe Committee of Ministers Recommendation No. R (95) 10 of 11 September 1995 on a sustainable tourist development policy in protected areas.

20. Article 6.1 of the Council of Europe Committee of Ministers Recommendation No. R (95) 10 of 11 September 1995 on a sustainable tourist development policy in protected areas.

21. Paragraph 24 of the explanatory report of the European Landscape Convention.

22. Paragraph 27 of the explanatory report of the European Landscape Convention.

23. Article 2 of the European Landscape Convention.

elitist view of it,²⁴ and recognises a human right to landscape. The convention also contains the principle of public involvement, which we shall be looking at as an action tool in that implementing it necessitates adaptation of procedures. Nor must we overlook the principles of subsidiarity and diversity.

We have opted to highlight two less obvious principles in the convention which, however, will play a major role in its future implementation: the integration principle and the consistency principle.

1.2.1. The integration principle

We can connect the integration principle as regards environment, and thus landscape, to the above-quoted Principle 4 of the Rio de Janeiro Declaration: landscape protection needs to be an integral part of the development process and cannot be treated in isolation. In actual fact there are two kinds of integration here: integrating the environment into landscape policies, which is to some extent the natural and obvious approach, and integrating landscape considerations into other sectors of activity and thus building them into sectoral policies. This second type of integration is much more complex, requiring extensive co-ordination at all levels of decision making.

While the convention expressly deals with integration in the context of national measures, we must not omit to mention integration in the context of European co-operation.

Article 5.d places an integration obligation on parties:

“Each Party undertakes:

[...]

d. to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.”

The explanatory report to the convention states that landscape objectives are to be taken into account in all relevant sectors of public life.²⁵ Building landscape considerations into policy in this way is a unique opportunity to reconsider sectoral policies without narrowly focusing review on landscapes which already have legal protection.

This integration is of course viewed as applying to all stages of action on an area – from the framing of strategies, plans or programmes to giving permission for an activity or item of infrastructure. In the field of spatial planning and development, integration of sectoral policies consists in giving thought simultaneously to the mutual interactions of a range of activities well before a final decision is taken.

24. Riccardo Priore, “La Convention européenne du paysage”, *Revue européenne de droit de l’environnement*, 2000, No. 3, p. 285.

25. Paragraph 50 of the European Landscape Convention.

Landscape needs to come into the reckoning as early as possible, like natural risks, climate, preserving biodiversity and social implications. The Guiding Principles for Sustainable Spatial Development of the European Continent approved at the Hanover European Conference of Ministers responsible for Spatial/Regional Planning in September 2000 and set out in the aforementioned 2002 recommendation of the Committee of Ministers are presented to us as “a coherent strategy for integrated development”. That is why they contain a lengthy list of the requirements to be met and the factors to be taken into account, one of them being landscape.

There is nothing particularly new about the principle of integrated planning and management in regional/spatial planning. The European Regional/Spatial Planning Charter (Torremolinos, 1983) treated regional/spatial planning as all-embracing, giving geographical expression to the economic, social, cultural and ecological policies of society. It was comprehensive in that it should “ensure the co-ordination of the various sectoral policies and integrate them in an overall approach”. At the time, however, inclusion of landscape was not expressly mentioned except in rural areas, being disregarded elsewhere.

By adopting a definition of landscape which takes in the whole of national territory, covering natural, rural, urban and peri-urban areas and including land, inland water and marine areas, the European Landscape Convention requires parties to incorporate landscape into treatment of all types of area and into all policy areas.

However, proclaiming the principle of integration is all very well – it is integration methods and tools that pose most problems. Here, the convention does not provide any recipes. It is for states to devise as effective integration instruments as possible. This includes the full range of co-ordination and consultation methods. Exchange of experience and information, as provided for in Article 8 of the convention, is calculated to spread the best methods very effectively. An example of an innovative integration approach has been provided by Switzerland, with its concept of “Swiss Landscape”.²⁶

Taking as a model the guidelines on protection and “integrated conservation” of the archaeological heritage produced by the Legislative Support Task Force as part of the Council of Europe cultural heritage service’s programme of technical co-operation and assistance,²⁷ national legislation needs to make it compulsory for there to be consultation between the landscape, town planning and spatial planning sectors on any development plans, and there has to be consultation right from the start of any project so as to minimise uncontrolled destruction of or damage to landscapes. Such consultation would use inventories and field studies in determining what use a development project was allowed to make of the

26. See presentation in “The European Landscape Convention”, Council of Europe Review, *Naturopa*, 1998, No. 86, pp. 20-21.

27. *Guidelines for the protection of the archaeological heritage*, document prepared by the Legislative Support Task Force in the framework of the Technical Co-operation and Consultancy Programme of the Cultural Heritage Department, Council of Europe Publishing, 2000.

landscape. In the event of disagreement, landscape services would have to be able to veto a project or appeal to some higher arbitration body. The services involved in such consultation could draw up non-binding codes of conduct for planners so that there would be a specialist document with educational intent providing a negotiation framework.

The key questions with the integration principle are, in actual practice, what type of integration is needed and what approach to adopt. There has to be overall integration of the different integration levels, with provision for geographical integration, institutional integration, integrated planning and integrated decision making. The International Centre for Comparative Environmental Law made recommendations to this effect during the preparations for the United Nations World Summit on Sustainable Development in Johannesburg.²⁸

Integration at the level of European co-operation is no less important than an integrated national approach. Two articles of the convention are particularly relevant here, Articles 7 and 8.

By undertaking to take the landscape dimension into consideration in international policies and programmes and to co-operate for that purpose, states parties to the convention agree, under Article 7, to have the international bodies of which they are members take landscape into account where relevant. The European Landscape Convention must not be an isolated international legal instrument operating in a vacuum and must be a driving force to promote the landscape concept wherever appropriate. This “inclusion” of landscape (as Article 7 puts it) is an obligation on states not only in the other European bodies of which they are members – such as, in some cases, the European Union or, in others, the United Nations Economic Commission for Europe – but also in world organisations, in particular of course Unesco, through the world heritage convention, and the IUCN.

Lastly, the integration principle must also guide the multilateral European co-operation for which there is provision in Article 8 of the convention. By pooling information and experience and arranging for technical and scientific assistance, including legal assistance, the parties to the European Landscape Convention must see to it that the integration principle set out in Article 5.d is properly implemented. Proactive co-operation in this area will consist in suggesting remedies or offering advice based on comparison of experience, in the form of guidelines, white papers or sets of principles which would be drawn up by specialist committees under Council of Europe auspices and then approved by the Conference of Parties. Article 8 provides for co-operation “in order to enhance the effectiveness of measures taken under other articles of this Convention”.

28. See recommendations on integrated management of the environment in the Declaration of Limoges II, A World Meeting of Environment Law Specialists and Associations, CIDCE, Limoges, 9 and 10 November 2001.

1.2.2. The consistency principle

While the integration principle is clearly stated in the text of the convention, the consistency principle is not expressly mentioned either in the convention or the explanatory report.²⁹

The point has occasionally been made that the convention is a little paradoxical, proclaiming the benefits of landscape variety while at the same time putting forward what are intended to be common principles.³⁰ Diversity of rights from country to country and, within federal states, from region to region might suggest that the convention is incapable of laying down guidelines. The paradox is only apparent. It highlights the need to apply the convention in a spirit of acceptance of diversity so as to avoid contradictions between the different policies. It underlines the framework nature of the convention, leaving it to countries to decide what means to deploy on the basis of shared recognition of the objectives we have referred to: landscape is a common heritage which, regardless of its intrinsic qualities, valuably contributes to individual and collective well-being, while, in addition, taking landscape into account reinforces and meets the requirements of sustainable development.

At national level the consistency principle should make it possible, on the basis of the options which the convention offers, to ensure that the different levels of landscape policy do not clash. This requires a modicum of central-level national guidance for local policies. Consistency is also necessary in implementing the integration principle so that landscape policies in different sectors are not at odds. However, consistency is never to be a pretext for the imposition of a standard model. Lastly, there has to be consistency in local choices for a given site as regards landscape-quality objectives and dovetailing of protection, management and development policies.

At European level the consistency principle has to guide directives and recommendations on implementing the convention. Any common proposals or suggestions will have to be reconcilable with diversity and distinctive features of localities. In matters of landscape, the preservation of local cultural difference as proclaimed in the 2001 Unesco universal declaration will have to be consistent with preservation of biological diversity and with socio-economic development.

The consistency principle will likewise have to apply to application of Articles 7, 9 and 12 of the European Landscape Convention. In the case of Article 7, proper allowance has to be made for landscape across the range of international policies, instruments and programmes, in which landscape is still all too often accorded

29. It emerged during discussions at the First Conference of Contracting and Signatory States (Strasbourg, 22 November 2001) and was underlined by the rapporteur for Workshop I, Mr Jean François Seguin, Report of 19 December 2001, T-FLOR 1 (2002) 19. See also the speech to France's national landscape council by the French regional planning and environment minister, Ms D. Voynet, 28 May 2001, Council of Europe information document of 4 February 2002 (T-FLOR 2 (2002) 14, French only).

30. Bas Pedrolí, Appendix 15 to the report of the First Conference of Contracting and Signatory States, Strasbourg, 19 December 2001, T-FLOR 1 (2001) 19, p. 71.

secondary importance as a factor in biological diversity³¹ or as a geographical entity to be protected for its aesthetic value (as in many international documents on coastal or mountain zones).³² Consistency henceforth requires co-ordinated international action on landscape in the spirit of the European Landscape Convention. Implementation of joint programmes in the case of cross-border landscapes, as provided for in Article 9, will be a test of the consistency principle when it comes to combining the convention's principles with distinctive local, cultural and legal features. Lastly, by its very nature, Article 12 reflects the requirement that there be consistency between the European Landscape Convention and any other national or international legal instruments stricter than it – that is, more favourable in terms of effective provision for the landscape.

To gauge consistency given various, often contradictory, requirements will need detailed illustrations of good and bad practice, complete with photographs and documentation, so as to build up a varied archive of examples that meet the requirements of Article 8 and help make the new landscape policy more effective.

1.3. Essential instruments

Some of the obligations in the convention require states to put instruments in place if none exist in national legal systems. Those which are clearly essential for framing and implementing landscape policies are, first, institutional instruments closely bound up with exercise of powers and, secondly, participation and information arrangements which meet the requirements of the Aarhus Convention.

1.3.1. Institutional instruments

Although the convention is silent as to what institutions need setting up, we can assume that the requirements to frame landscape policies,³³ to recognise landscapes in law,³⁴ to establish participation procedures and to integrate landscape into other policies³⁵ call for administrative machinery to perform those functions.

That does not mean there necessarily has to be a special law dealing with landscape: giving legal recognition to landscape can be done in the constitution or in any piece of legislation, and for there to be an administrative department responsible for landscape does not require landscape legislation. Conceivably there could even be a law dealing with landscape and giving it legal recognition without any

31. The biological diversity convention does not refer to landscape, merely referring in its preamble to the recreational or aesthetic significance of some ingredients of biological diversity.

32. The implementing Protocol for the implementation of the Alpine Convention of 1991 of 20 December 1994 in the field of nature protection and landscape conservation is mainly concerned with the “*unique beauty*” (see preamble) and the “*diversity, distinctiveness and beauty of natural landscapes*” (Article 1).

33. Articles 1.b and 5.b of the European Landscape Convention.

34. Article 5.a of the European Landscape Convention.

35. Article 5.c and d of the European Landscape Convention.

institution or policies specifically to do with landscape. It makes sense, however, for the introduction of official policy on landscape to involve special supervision machinery.

We shall first consider who should have administrative responsibility for landscape, go on to consider co-ordination and consultation arrangements and lastly look at how powers, vertically, should be exercised.

The question of where administrative responsibility for landscape should lie was studied in 1997.³⁶ Of course landscape, as a matter relevant to all sectors, should not be monopolised by any one administrative department, but the lead has to come from somewhere. Depending on the particular country, landscape is either a matter for several ministries in the absence of any clearly demonstrated policy, or a matter for a particular ministry which (at the time of the report) might be the ministry for agriculture, culture and historic monuments, town planning or environment.

To ensure that environmental considerations are built into other policy areas, the ministry dealing with landscape needs to be vested with a leadership function which is performable if the service concerned with landscape has sufficient staff – if that service is invited to other departments' meetings on matters potentially affecting landscape, it has to have enough people to attend them. However, a landscape presence in the various areas of administration is only really guaranteed by a modicum of official machinery in the form of standing bodies for co-ordination or consultation. Landscape councils or committees attended by all the departments concerned and by specialists and non-governmental organisations would seem the approach best calculated to generate genuine momentum towards formulation of national strategy on landscape.

The most complex matter, both in centralised or unitary countries and in systems which are regionalised or federal to whatever degree, is that of exercise of responsibilities and how, vertically, powers and responsibilities are apportioned between the central, regional and local authorities. The convention devotes an article to this without, of course, offering any solutions. Article 4, on division of responsibilities, is based on the subsidiarity principle, which requires that problems be dealt with as close as possible to the people affected by them.³⁷ Taken together with the European Charter of Local Self-Government,³⁸ that should mean that local authorities have an important role to play in landscape policies affecting them. This treatment of landscape as a matter for local policies is, incidentally,

36. See Michel Prieur, Appendix II to the report by P. Hitier, Congress of Local and Regional Authorities, 5 May 1997, CG (4) 6, Part II. This deals with law applicable to landscape in comparative law and international law.

37. Article 4.3 of the Council of Europe European Charter of Local Self-Government states: “Public responsibilities shall be generally exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.”

38. Strasbourg, 15 October 1985.

appropriate to the actual history of the convention – it was the Congress of Local and Regional Authorities of Europe that was the moving spirit behind it.³⁹

In deference, however, to the particular constitutional features of federal or regionalised countries, the convention leaves it to the individual party to decide the level most appropriate for making decisions. A general trend in Europe, though, is to assign more and more functions to local bodies, thus reinforcing decentralisation and regionalism. States can be guided by Council of Europe Committee of Ministers Recommendation No. R (96) 12 of 2 October 1996 on the distribution of powers and responsibilities between central authorities and local and regional authorities with regard to the environment.⁴⁰ Tiering of responsibilities will in fact always be necessary, quite apart from the formal position in law. The central level's function is to lay down guidelines and general principles and, within strict limits, it is permissible for it to take action on landscapes which are of outstanding national importance. The regional level can act as co-ordinator if local interests conflict and the local level must play an active part in informing and educating the community and in designing local policies to reflect the Community's wishes. Provided that short-term economic interests do not predominate, it is the local level that is best placed to take concrete action, within a given area of known make-up and history, for the purposes – which often complement one another – of protection, management and development. The local level's active role applies not only to towns and urban landscapes,⁴¹ but also rural communities.

Whatever the existing national system of apportioning powers and responsibilities, it is essential that room be found for landscape at all levels of decision making as both an individual and a collective asset that needs preserving. In this, there has to be constant attention to the above-mentioned two principles of integration and consistency.

1.3.2. Information and participation arrangements

The information and participation requirement is something of a leitmotiv in the European Landscape Convention. While the convention's provisions on institutional machinery and powers were deliberately left very vague, those on information and participation are, no less deliberately, much more detailed and demanding. For that reason, some commentators have categorised them as general principles. My preference here has been to treat them as tools so as to give them less abstract content. The concern is with organising participation and not just proclaiming it.

39. See the speech by the Chair of the CLRAE Committee on Sustainable Development, Mr Moreno Bucci, Appendix 7 to the report of the 1st Conference of Contracting and Signatory States to the European Landscape Convention, 19 December 2001 (T-FLOR 1 (2001) 19).

40. See also *Environment and Local and Regional Authorities*, Local and Regional Authorities in Europe, No. 60, Council of Europe, 1996 and, on the same subject, *Naturopa*, 1999, No. 89.

41. See the Seville (Spain) landscape plan, as presented by Mr Florencio Zoido Naranjo at the Workshops in Strasbourg on 23 May 2002, Council of Europe Publishing, European spatial planning and landscape series, 2003, No. 72, pp. 229-43.

In quite a few countries there is a great deal of informal practice regarding participation, but it is rarer for there to be a detailed legal framework on the subject. The convention should prompt countries to lay down precise frameworks on information and participation, in line with the Aarhus Convention of 25 June 1998 on access to information, public participation in decision making and access to justice in environmental matters, which came into force on 30 October 2001.⁴² Numerous Landscape Convention signatories are in fact parties to the Aarhus Convention.⁴³ Giving effect to the Aarhus Convention cannot but assist giving effect to the European Landscape Convention. It should be noted that the main ideas in the Aarhus Convention are found in the European Landscape Convention – the connection between human well-being and proper protection of the environment, for instance, and sustainable development for the sake of present and future generations.⁴⁴ Among “elements of the environment” the Aarhus Convention expressly includes landscape, together with water, air, soil, land, natural sites, biological diversity and interaction among all these.⁴⁵

In its preamble, the European Landscape Convention refers to the public’s wanting high-quality landscapes and an active part in the development of landscapes. Under Article 5.c the parties have a legal obligation to establish procedures for participation. Participation here means participation not just by the public but by all parties concerned, including local elected representatives, economic, social and cultural players, and specialists. This avoids the risk of decision makers being taken prisoner by one category of player. The European Landscape Convention does not define “the public”. The Aarhus Convention defines it as “one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups”. The public is thus not just citizens or voters.

Nor, as referred to in Article 5.c, is it just the public immediately affected: it takes in both the local and the wider community. However, the assessment procedure in Article 6.C.b restricts “the public” to population “concerned”, which, as defined in the Aarhus Convention, means the public affected or likely to be affected or having an interest.⁴⁶ There is no provision specifying that the participation arrangements do refer to consultation on landscape quality objectives.⁴⁷ Information also has to

42. The Aarhus Convention applies to decisions of public authorities other than judicial or legislative authorities. See Michel Prieur, “La Convention d’Aarhus instrument universel de la démocratie environnementale”, *Revue juridique de l’environnement*, special issue, 1999.

43. See Recommendation 1430 (1999) of the Council of Europe Parliamentary Assembly on implementing the Aarhus Convention, in which the Assembly urges that account be taken of the Aarhus Convention’s principles in Council of Europe work potentially affecting the environment. See also the Committee of Ministers’ reply, adopted at the Ministers’ Deputies 730th meeting on 22 November 2000.

44. Preamble and Article 1 of the Aarhus Convention.

45. Article 2.3.a of the Aarhus Convention.

46. Article 2.5 of the Aarhus Convention.

47. Article 6.D of the Aarhus Convention.

be provided for the various parties (civil society, private organisations and public authorities).⁴⁸

There are three matters which we can consider with regard to participation: its scope (and the stage at which it takes place), the arrangements for it and its effect.

The scope of participation is extremely wide and takes in very different stages of decision making. Roughly speaking, it covers two of the three stages which the Aarhus Convention provides for in Articles 6, 7 and 8. First, there is participation in working out landscape policies, with Article 5.c of the European Landscape Convention referring back to Article 5.b. This is the point at which the principles and strategies are set – the “definition” stage. It involves reflection and looking ahead – there is a proactive side to participation here. It involves national policy no less than local and regional policies. The participation arrangements and stage may vary according to whether a question is national or local. The identification and assessment processes in Article 6.C are part of it, as is the setting of landscape quality objectives (Article 6.D). In any event, participation here precedes the detailed decision making and is concerned with reflection on strategies, plans and programmes. It corresponds to the phase dealt with by Article 7 of the Aarhus Convention, “Public participation concerning plans, programmes and policies relating to the environment”.

The second stage in participation concerns implementation of policies, plans and programmes. Provision for participation here is again compulsory, by virtue of Articles 5.c and 5.b taken together. It is when decisions are to be taken on protection, management and development that participation has to be provided for. Here, participation involves reaction to a particular project. It corresponds to Article 6 of the Aarhus Convention, “Public participation in decisions on specific activities”. Unlike the Aarhus Convention,⁴⁹ the European Landscape Convention does not provide for public participation in the preparation of “executive regulations and/or generally applicable legally binding normative instruments”. That does not, of course, preclude bringing Article 8 into play in the preparation of legal instruments on landscape, even in respect of countries not parties to the Aarhus Convention.

As participation arrangements are not specified in the Landscape Convention (except for consultation under Article 6.D), the Aarhus Convention, which is of course expressly referred to in the preamble to the European Landscape Convention, can reasonably be regarded as the benchmark. The European Landscape Convention leaves states parties full latitude to decide participation arrangements. At least as regards the identification and assessment phase and the setting of landscape quality objectives the view must be taken that participation needs special, detailed provision since the objective is to identify the “aspirations of the public”⁵⁰ and “the particular values” which interested parties and the population concerned assign

48. Article 6.A of the Aarhus Convention.

49. Article 8 of the Aarhus Convention.

50. Article 1.c of the European Landscape Convention.

to landscapes.⁵¹ An ordinary consultation, such as a public inquiry, is liable to be inadequate to identify the public's expectations and needs with sufficient accuracy. Appointing an expert or, as in Switzerland, an independent mediator⁵² responsible for gathering in opinions and taking the necessary time over it is a worthwhile idea. The Aarhus Convention does not impose any particular participation arrangements either but its lengthy Article 6 spells out the various methods of ensuring greater participation in the interests of better decisions and more effective implementation of them.

Where there is to be participation, for instance, the public must first be informed, early in the process, by public notice or individually as appropriate, and this information must specify the nature of the project, the public authority in charge, the intended conduct of the procedure (dates, places, methods). The starting date and length of the procedure must give the public enough time to prepare and take part effectively. Reasonable time-frames must be set for the different phases. Additional information must be obtainable from a designated and accessible department. The public must be able to consult the relevant documents free of charge, subject to any legal restrictions on the right to information. There must be an unrestricted right to make copies of documents, on a paying basis where appropriate. Any project reports and opinions must be obtainable on request.

Participation itself can take various forms provided it allows the public to express its views freely. The public must be able to submit comments, information, analyses or opinions whether in writing or orally at a public hearing or public inquiry with the project applicant. Oral participation should assist public debate, with public meetings at which all sides have fair and adequate speaking time. A local referendum, preceded by equitably supplied information and public debate, is one way of enlightening public authority (an advisory referendum), or it could replace the official decision (a referendum with decisive effect).

There are seldom binding rules as to the effect of participation. Participation is designed as an aid to decision making, not a substitute for it, except in the case of direct democracy through such devices as the popular vote. The success or failure of participation often hinges on the expected outcome. To what extent is participation able to really influence or alter the official decision? While the European Landscape Convention says nothing about this, the Aarhus Convention tackles the question at least in part. First, the Aarhus Convention places a formal requirement on parties to inform the public of the decision taken and the reasons and considerations on which the decision is based.⁵³ Second, in substantive terms, it contains a requirement that "due account is taken of the outcome of the public

51. Article 6.C.1.b of the European Landscape Convention.

52. Presentation of the Colvert integrated policy project (Switzerland) by Mr Andreas Stalder, in Strasbourg on 23 May 2002, First meeting of the Workshop for the implementation of the European Landscape Convention, Proceedings (Strasbourg, France, 23-24 May 2002) (to be published in the European spatial planning and landscape series).

53. Article 6.9 of the Aarhus Convention.

participation”.⁵⁴ This wording is open to various interpretations. It reflects an obligation, if not to adopt the public’s views expressly, at least not to disregard them and to take them into account as far as possible. Review of the reasons given in appeal proceedings before a higher administrative authority or a court will then test whether due account has been taken.

The reason for the European Landscape Convention’s insistence on the participative approach is a desire not so much to fall in with prevailing fashion as to give legal recognition to the special features of landscape. Landscape exists because it is visible. A landscape policy which involved only experts and administrators, who themselves are often specialists, would result in landscapes that were imposed on the public, just as in the days when landscape was produced by and for an elite. Democratisation of the landscape is not just a question of the new scope which the European Landscape Convention introduces; it is also reflected in this collective and individual appropriation of all landscapes, through the requirement that there be direct participation for all in all phases of decision making regarding landscape alteration, supervision of landscape evolution and prevention of reckless landscape destruction.

All the more account will be taken of the outcome of participation if the participation process itself is proof against crowd-pleasing tactics on the one hand and abnormal pressure from particular lobbies on the other. This entails achieving balanced involvement of experts, elected representatives, the public and the voluntary sector. And there is a prerequisite – all the preliminary awareness-raising, training and education which are the cornerstone of participation.

54. Article 6.8 of the Aarhus Convention.

2. Landscape and individual and social well-being

Yves Luginbühl, expert to the Council of Europe

“The member States of the Council of Europe signatory hereto [...]

Aware that the landscape [...] contribut[es] to human well-being [...];

Believing that the landscape is a key element of individual and social well-being [...]”

Preamble to the European Landscape Convention

“If I were to inquire what passion is most natural to men who are stimulated and circumscribed by the obscurity of their birth or the mediocrity of their fortune, I could discover none more peculiarly appropriate to their condition than this love of physical prosperity. The passion for physical comforts is essentially a passion of the middle classes; with those classes it grows and spreads, with them it is preponderant. From them it mounts into the higher orders of society and descends into the mass of the people.”

Alexis de Tocqueville, De la démocratie en Amérique, Paris, Pagnerre, 1850.

Introduction

If we refer to the definition of landscape given in the European Landscape Convention,⁵⁵ the relationship that it is possible to establish between individual and social well-being and landscape is self-evident, since this definition associates the landscape with the quality of people’s lives, which this text aims to improve. In fact, this relationship raises complex problems, which are more or less interconnected. It is not possible simply to state that all “high-quality” landscapes correspond to the (individual and social) well-being of the people who live in the territory of which it is the visible expression. This relationship between the landscape, individual well-being and social well-being is much more complex. This report, commissioned in the context of implementation of the European Landscape Convention, proposes to approach the issue from a number of different angles:

- first, it is proposed to consider the meaning of the terms individual well-being and social well-being;
- a second part is devoted to the links it is possible to establish between these concepts and the landscape;
- in the third part, an attempt will be made to show the current situation, to make it possible to identify the context in which this relationship can be reflected; these

55. “Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

are the questions that will, therefore, have to be asked: by referring to previous definitions, does the contemporary landscape produce well-being for individuals and for societies? Do current trends in landscape transformation produce well-being or, conversely, a lack of well-being? And under what conditions is it possible to state that demanding high-quality contemporary landscapes produces well-being for individuals and for societies?

– the fourth part will focus more closely on the contributions of the European Landscape Convention and ways and means of implementing it that might favour individual and social well-being.

This issue has not, on the whole, received much attention from either science and political institutions, or government technical bodies. It has received more attention from medicine, which views well-being from a physiological and psychological perspective and sets the problem of well-being in the context of health, but it has very rarely dealt with the relationship between well-being and the landscape or, at the very least, open spaces. It has been dealt with from the perspective of social well-being, but seen in terms of its economic significance in relation to social inequalities and society's access to consumer goods and services.

However, analyses of the problems encountered by contemporary society in managing the human environment change the different ways of approaching this issue of individual and social well-being, although they have never dealt with it in relation to the issue of landscape.⁵⁶ It appeared, therefore, to be both essential and innovative in the context of implementation of the European Landscape Convention, to put forward a series of observations and proposals likely to foster public and private action leading to an improvement in the living conditions of the people of Europe and, consequently, to their well-being through the objectives of landscape management, protection and planning which the convention has, in particular, set itself.

2.1. Individual well-being, social well-being

The concept of well-being involves several aspects of man's relationship with the outside world and with himself, which are not easy to separate: a material dimension, associated with the satisfaction of physical and biological needs, and a spiritual dimension, associated with the satisfaction of psychological and emotional aspirations: well-being is "being well disposed in mind and body" or the "pleasant sensation produced by the satisfaction of physical needs and the absence of psychological tension", or even "the material situation which makes it possible to satisfy the needs of existence", according to the usual dictionaries.

Well-being therefore concerns the individual considered in his physical being as a biological entity on the one hand and in his spiritual being as a thinking entity on the other hand and also considered, in his material situation, as a social

56. An Internet search via several search engines associating well-being with landscape produced no results.

being dependent on what society is likely to provide to meet his basic needs. This concept of well-being also calls to mind the concept of health (physical⁵⁷ and mental), which the World Health Organization (WHO) defines as follows: “Health is a dynamic state of complete physical, mental, spiritual and social well-being and not merely the absence of disease or infirmity.”⁵⁸

It is therefore fundamentally difficult to separate the physical element of an individual’s well-being from the spiritual element and, moreover, it seems that social well-being also has a reciprocal association with this state of health. However, for the purposes of this study, it will be necessary to take account of the different dimensions separately in order to associate them with the concept of landscape, while bearing in mind the strong links that bind them.

Although the concept of both individual and social well-being is, in addition, often dealt with in its relationship with environmental issues, it is still more often than not associated, on the one hand, with the satisfaction of the biophysical needs of the body or with the corresponding satisfaction of the fundamental needs of human existence: equal access to resources, to work, respect for human dignity and human rights, gender equality and child protection being the most frequently cited objectives on the whole, but increasingly issues linked to the physical or spiritual environment are also cited. It is the maintenance of biological health through access to food resources which are uncontaminated by toxic substances, in particular water, for example, but also the maintenance of spiritual health through access to knowledge and culture. The socio-economic meaning has been the subject of numerous studies in North America, notably by economists, who have tried to measure social well-being in relation to the gross domestic product (GDP) of a country and in relation to the conditions on which people have access to wealth. It is, in particular, the concept of welfare that has been analysed in such cases. One country stands out in this preoccupation: Canada, which has founded a council of social welfare with responsibility for assessing the well-being of the Canadian population and proposing measures to offset the harm to the population caused by social and economic change, or giving consideration to new dimensions and factors of the well-being of society in Canada. This national council of welfare has recently proposed methods of measuring well-being and has highlighted the strong link between the well-being of future generations and sustainable development.⁵⁹

57. See, in this connection, Georges Vigarello, 1993, *Le sain et le malsain, Santé et mieux-être depuis le Moyen-Âge*, Seuil, Paris. This work is devoted to the history of human beings’ relationship with illness and shows the changes that have taken place in the way they regard what is healthy and what is unhealthy. One of the conclusions is that there has been a shift in the boundaries between the two as knowledge has increased: extension of the scope of risk, as is clearly illustrated by the example of AIDS.

58. Report of the Executive Board of the World Health Organization, 1998. See Maguelonne Déjeant-Pons and Marc Pallemarts, *Human rights and the environment*, Council of Europe Publishing, 2002, p. 271.

59. See the site of Canada’s National Council of Welfare: <http://www.cyberus.ca>.

Generally speaking, the issue of well-being is also close to the concept of comfort, which is the term often used by politicians or the technical planning departments when formulating action designed to improve quality of life. At least it is from this perspective that the Interdisciplinary Research Programme on Cities conducted in France until 1996 envisaged what was termed “urban well-being”: “In France, considerable efforts are made to improve the well-being of city dwellers. And yet knowledge of the conditions for improving urban well-being is often still no more than rudimentary. What constitutes ‘urban comfort’; how does it manifest itself in terms of the social environment and how is it linked to urban practices?”⁶⁰

Although a similar question could be posed in relation to rural areas and now, in particular, in relation to peri-urban areas, where the majority of people in Europe live, the link between well-being and landscape has never been studied. At the very most, recent work by landscape designers, especially in urban areas, to improve living conditions, or travelling and leisure conditions in urban public spaces, is identified as action intended to recreate loose social links across cities or neighbourhoods and improve travelling or leisure conditions. However, it is rare that such “landscape” activity is specifically designed to create well-being.

This kind of activity also reveals the new preoccupation of politicians, who seek solutions to the problems of urban sprawl and the economic crisis which is felt more sharply on the periphery of cities as a result of a shrinking labour market. The rise of insecurity in cities, frequently identified in planning policies in most European countries, and juvenile delinquency, in particular, figure as the principal factors of an absence of social well-being. Although an absence of individual well-being is not unconnected with an absence of social well-being, it does not necessarily involve the same factors. There are clearly links between individual well-being and social well-being, but whatever links it may be possible to establish with the landscape must first be considered separately, and then be brought together.

For the purposes of our study, we will therefore separate the first two dimensions of well-being into that which is associated with the human body and consequently with the environmental conditions necessary for good physical health, which can be reflected in the landscape, on the one hand, and the spiritual dimension and all that contributes to creating the landscape and the manner in which it affects human thought and fulfilment, on the other hand.

2.1.1. Individual well-being

Individual well-being consists, therefore, of:

- physical well-being, which the landscape as defined above is capable of bringing about;
- mental well-being, to which the landscape, or landscape configurations and ways of appreciating them, can contribute.

60. Gabriel Dupuy, Director of PIR Villes, in *Villes, Cités, Ciudades*, Cities Summit, Istanbul, June 1996, *Le courrier du CNRS*, pp. 85 and 86.

The third dimension, which relates to the individual's material situation, can be analysed differently, more in relation to the social situation and to the political and socio-economic situation in which an individual finds himself. It is associated partly with social well-being (but only partly, because social well-being also has to do with social relationships).

2.1.2. Social well-being

This is a concept which has already been defined as the improvement of the material situation of society, but further consideration needs to be given to the concept. We could visualise it, on the one hand, in the sense of that definition and, on the other hand, as a situation where social relationships (on different scales) contribute to the well-being of each individual; this would lead us back to the previous problem, while specifying these social relationship situations.

Having established these initial approaches to the study, it is necessary to specify in what context and subject to what precautions the relationship is considered.

– We must be realistic here and refrain from thinking that any high-quality landscape will produce the ideal conditions for individual and social well-being. First, because of the difficulty of defining a high-quality landscape and, second, because of the different ways in which society perceives quality of life, or a landscape visited temporarily: some people may “feel good” looking at a particular landscape, while others will feel the opposite in the same situation (for example, this observation has been made during surveys: for some people, a mountain landscape is overpowering and oppressive, yet such places are often very popular tourist destinations).

– It is also essential not to see the issue from a determinist perspective by thinking that it is the formal framework around us which produces the basic essentials of (individual or social) well-being. Research carried out on the urban environment, in particular, contradicts the idea that, by attempting to act on urban forms, it is possible to resolve some social and “well-being” problems that occur in urban environments. It is not only form, or forms as a whole, that are capable of having an effect, but a series of factors which belong to several registers of meaning and process (economic, social, environmental, spatial).

– Continuing with this second precaution, we will resist the temptation of thinking of the landscape only as a visual concept; the landscape conceals factors and processes or elements which have an effect on man and society which are not necessarily visible, and it is well known that the manner in which landscape is perceived mobilises all human senses. So we will be referring not only to a visible landscape, but also to one which can be appreciated by touch, taste and smell. Clearly, in the physical and physiological (bodily) dimension of well-being, the human senses play a vital role.

Having established these conditions and precautions, we can now consider ways of approaching the issue of landscape taken in conjunction with well-being.

2.2. Landscape and well-being

2.2.1. Landscape and individual physical well-being

The factors inherent in the configuration of landscapes which affect physical well-being and, in particular, those which can be influenced by political action, whether it is the physical or biological nature of the environment which can be reflected in the landscape by certain forms, are very diverse: they may consist of landscape planning, which facilitates movement from one place to another, such as pedestrianised areas in cities, urban parks which contribute to a sense of healthy living, or types of dwelling that avoid violent or excessive exertion, notably to take account of a person's age or physical condition.

To begin with, these factors can be ranked according to importance, the various factors involved in physical well-being or organised into groups in relation to the human senses; the link between the different senses and the landscape is not universally accepted; however aesthetics, an indisputable dimension of the quality of landscapes, cannot under any circumstances be reduced to the aesthetic values of form and the visual. In fact Hegel, in his first-rate treatise on aesthetics,⁶¹ extends the concept of aesthetics to include all sensations of which man is capable: music and sound are particularly included.

a. Hearing and sound

Physical well-being is dependent on the noise produced by society or nature: hearing and sound are involved in producing physical satisfaction. The noise of urban traffic and the sounds that can be heard in the countryside are factors in the production of well-being or an absence of well-being: both from a qualitative point of view (that is to say, the type of sound) and from a quantitative point of view (that is to say, the level of sound). These sounds may have a positive effect on a person's impression or, conversely, a negative effect: the excessive noise produced by traffic obviously has a negative effect on people, especially in cities, and in most countries. The authorities have taken steps to reduce this noise: notably, noise barriers along motorways and urban or metropolitan highways, or along railways, which are a visual presence in the landscape and sometimes block the view from apartment blocks.⁶² The noise of a thunderstorm can also contribute to a feeling of unease for some people, whereas the sound of wind rustling through leaves or the sound of waves breaking on a shore may produce a pleasant sensation.⁶³

61. Georg Wilhelm Friedrich Hegel, trans. Knox, TM, *Aesthetics: Lectures on Fine Art*. 3 vols. Oxford: Clarendon Press, 1975.

62. It is a well-known fact that residents of buildings located alongside motorways often dislike these noise barriers, complaining that they block the view of the traffic on the road.

63. Studies of large-scale agricultural landscapes reveal the strong influence of sounds produced by the wind, which lead people to liken such landscapes to seascapes. See, also, comparisons of this type of landscape made by Emile Zola in his novel *La Terre*.

Although the question of noise is not immediately related to the landscape (which is too often reduced to the concept of form), it is clear that it influences the way in which a person appreciates the spectacle before him: a mountain landscape is often associated with the sound of rushing streams or waterfalls, for example, or with the sound of cow bells in alpine pastures. These sounds contribute to the creation of the representations a person constructs of the landscape before him. Scientific research carried out into the “soundscape” reveals that sound contributes greatly to a person’s appreciation or dislike of a landscape which is also “visible”.

b. Sense of touch

The sense of touch is also involved in the relationship between physical well-being and the landscape. It is above all what a person experiences in his confrontation with what surrounds him, whether that be inert matter or living matter: notably, road surfaces, the material nature of the ground, the type of housing materials. These different materials relate back directly to the landscape aspect and to the comfort or discomfort these elements of quality of life provide.

The sense of touch is also involved in the sensations experienced by differences in temperature (heat, cold) and by currents of air; this brings to mind, in particular, configurations of the urban landscape which afford protection from heat or cold (for example, arcades, insulation systems in homes) or, conversely, the layout of buildings in cities, which make crossroads or squares windy places, and can give rise to unpleasant sensations which devalue urban landscapes.

c. Sense of taste

The sense of taste is indirectly involved in how a landscape is perceived or represented. It is, moreover, the sense which plays the most oblique role in physical well-being. However, we know that a qualitative knowledge of the culinary characteristics of an area is also related to a knowledge of the landscape, which is the visible expression of the system of food production. The most striking example is the landscape of vineyards and the sensation this produces of the taste of wine; this is also true of olive groves and certain pastures⁶⁴ which can, indirectly, evoke the pleasure of the food they produce (olive oil, cheese, certain types of meat).

Advertisements for certain culinary products have not been slow to take advantage of this, since they frequently associate certain landscapes with a particular local product of the soil, so forming a link between the pleasure of the taste of the food and the visual pleasure of looking at the landscape which produced it. Similarly, registered designations of origin are directly associated with the characteristics of

64. One might think, for example, of the Spanish *dehesa*, woodland consisting of holm oak (*Quercus ilex*) or cork oak (*Quercus suber*), which is used to produce ham from breeds of pig specific to the Mediterranean area (Iberian black pigs, whose fat is claimed to be free from cholesterol-producing fatty acids).

a particular region of cultivation and, consequently, with the sights and flavours its landscape has to offer.

d. Sense of smell

The sense of smell is more directly linked to landscape. Odours experienced in a landscape are associated with the pleasure of the view before one and somehow confirm the pleasure of looking at the landscape, and vice versa. A landscape which is pleasant to look at can be spoiled by unpleasant smells, whereas pleasant odours can reinforce the sensation of well-being the visual landscape produces. Some typical landscapes of Europe closely link visual comfort and olfactory comfort: the Mediterranean landscape is indissociable from a series of shapes, colours and fragrances produced by the vegetation (the smell of Mediterranean plants which, because of the climate, have special cells which contain olfactory essences; this is true of most evergreen plants which give off intoxicating fragrances). Seashore landscapes, and in particular the Atlantic landscape, also associate their particular form of rocks and sandy beaches, which are pounded by crashing waves, with the smell of the foreshore (where decomposing seaweed produces a strong odour of iodised substances).

Odours produced by human activity are also often associated with the sight of a particular landscape. They might be the smells emitted by an industrial chemical plant or produced by agricultural techniques, such as spreading animal waste (for example, in Holland or Brittany, where the structural surpluses resulting from rearing animals indoors pose serious problems by filling not only the air with the smell of methane but also the groundwater with nitrated compounds and rendering the water unfit for human consumption). The wooded landscape of western France, which is of great symbolic and aesthetic value, has been spoiled not only by the odours caused by spreading liquid pig and chicken manure, but also by nitrates which, in the absence of groundwater on granitic land, run on the surface of agricultural plots and accumulate in great quantities in surface water.⁶⁵ Urban landscapes are also closely associated these days with atmospheric pollution from traffic or emissions from industrial plant on the periphery of large towns.

The link between physical well-being, landscape and odour is, therefore, two-fold: on the one hand, odours play a role in our perception of the landscape, but on the other hand they can be associated with environmental problems, which can adversely affect human health (as in the case of urban pollution or agricultural pollution, in particular).

65. Surveys carried out in the bay of Mont Saint-Michel in France reveal the deleterious effect on people's quality of life of odours coming not only from manure spread by pig breeders, or the surpluses of vegetable production decomposing on the market garden polders; but at the same time the landscape of the bay which, because of its reputation and unique character, has been classified as a UNESCO World Heritage site, is closely and positively associated by users with marine odours coming from the coast (the bay of Mont Saint-Michel is one of the coasts which experiences the highest tides in the world – 15 metres – which could explain the potency of these marine odours).

e. Eyesight

Lastly, sight has a role to play in creating well-being, but the association between this human sense and the landscape is not so easy to establish. It is more through the meaning of shapes which can act on the individual sensations they cause (the sensation of serenity or oppression that certain landscapes can create, according to individual cultures) that this link can be seen. But it is difficult to assert that the shape of the landscape has a direct effect on physical well-being. It is rather on spiritual well-being that the shape of a landscape acts, because it has a significance for the individual which produces an emotional reaction in him – of joy, pleasure, stress or anxiety.

Physical well-being is also affected by climate in general (exposure to the sun, to wind, rain, drought, heat or cold ...), but this link is associated with the human senses through which these are felt: cold, heat, rain or drought are assessed by the sense of touch, in particular.

Landscaping is designed to act on these links between the senses and shapes: the shape of urban landscaping is capable of offsetting the disagreeable sensations produced by configurations of urban or other planning. But such “landscape” action is often difficult to imagine and devise, because it calls for complex approaches about which little information is available, and also has to bring together a multiplicity of dimensions of an individual’s experience, involving both physical well-being, which can be compared to comfort, and spiritual well-being, which is even more difficult to grasp, and which cannot be extended completely to everyone or to all social groups: there will always be an individual element which remains.

2.2.2. Landscape and individual spiritual well-being

This second dimension of individual well-being is more difficult to deal with, because it brings into play factors which make public intervention problematic, but several approaches can be suggested:

– Taking account of links between landscape and a person’s attachment to the place where he lives, to local culture and the freedom to express it (at the risk, however, of veering towards “communautairisme”). Individuals seek their reflection in the landscape of the place where they live, as the geographer Elisée Reclus⁶⁶ commented in the 19th century. The landscape thus constitutes a collective creation, fashioned by social practices where the individual finds his own personal action, or the action of the group to which he belongs, on nature. This recognition is part of the indissoluble link that unites an individual with the place where he lives, or was born. According to some scientists, Plato called this link “chôra”, which means that a human being cannot exist without a place that is consubstantial with his existence.

66. Elisée Reclus, “Du sentiment de la nature dans les sociétés modernes”, in *Revue des deux Mondes*, Paris, 1866.

– Taking account of links between landscape and recognition of the individual's place in land-use planning decisions. This is clearly closely associated with the previous approach, in that the individual who can have a say in land-use planning decisions feels that he has been acknowledged as a player capable of considering planning and forming part of the society that manages the land.

– Taking account of links between the diversity and quality of landscapes as a reflection of the cultures of nature and individual fulfilment. Modern theories on the evolution of societies have set culture and nature against one another, presuming that developed societies are characterised by how far they are able to distance themselves from nature and its exploitation, to assure immediate survival; this is also why some people say that the idea of landscape is born at precisely the moment when that distance is established, showing a desire to set up the spectacle of nature as a subject for contemplation. In fact, such theories conceal the culture of nature which societies have constructed for themselves by observation and empirical experimentation. It cannot be denied that these cultures manifest themselves by a knowledge of the natural environment, which has often enabled societies to withstand natural processes and exploit them with a view to their own survival.⁶⁷ It might be considered that a recognition of these cultures plays a part in the spiritual well-being of the individual members of society, inasmuch as it finds a place for popular knowledge. However, it goes without saying that this layperson's knowledge, which is distinct from scholarly knowledge, must be validated in order to be taken into consideration these days in land-use planning decisions or in environment policy. Indeed, science is often wary of this type of knowledge, because it is tied up with beliefs or myths which could lead to dubious decisions.

– Individual spiritual well-being is also associated with numerous links between the individual and landscape, taken to mean every aspect of the way in which nature is organised by societies: it can be the pleasure of enjoying the charms of nature, of directing it to satisfy one's aesthetic or symbolic aspirations (designing and creating a garden, for example) or more simply the pleasure of observing natural processes: living creatures growing, the ecological processes that can be observed in the landscape, or even tectonic phenomena – all spectacles that provoke emotions, sentiments or sensations capable of contributing to spiritual well-being. This is the field explored by phenomenology, which has often been used as a means of understanding the links of individuals with the world of objects around them; this world of objects, for the most part elements of the daily landscape, powers the individual's imaginary world and is of particular significance for each person, linking him to the natural and social world in general. The significance of objects contributes to a person's spiritual well-being, because it enables him to create (material or symbolic) reference points in relation to society and to find his place in it.

67. There are countless examples of this, recently brought to light by studies in social anthropology, on several continents.

2.2.3. Landscape and material well-being

This relationship forms part of a conception of landscape as something that society has constructed, reflecting both the ability of a society lastingly to produce a range of goods for the public and equality of access to such goods for the public.

First and foremost, these are food and clothing, the importance of which cannot be underestimated from either a quantitative or qualitative perspective. Their role is fundamental, inasmuch as it would be dangerous if the landscape became totally separated from agricultural production: this issue is vital, because it would be difficult to accept that, in a political context, landscape was a dimension divorced from human productive activity (which would leave the way open to the vagaries of economic activity). The link between landscape and material well-being is apparent here because agriculture is the main activity which fashions the rural landscapes of Europe: these therefore play a role in material well-being as the visible reflection of food-producing agriculture, but also in spiritual well-being because they constitute a series of the best-known landscape models of European culture, which have most often been represented by artists and writers (bucolic and pastoral models).

The exploitation of mineral resources also contributes to the construction of landscapes: the production of materials for building homes and roads is one of the basic components of the inhabited landscape and contributes to material well-being because it forms the basis of constructions housing the population and their creative, commercial and industrial activities. However, exploitation poses problems of sustainability. Alluvial valleys have been heavily worked at points close to built-up areas to extract sand and gravel for concrete production, just as other limestone regions have seen entire hillsides worked for the production of cement. The creation of material well-being therefore calls for a global approach to the quality of architecture and building materials of the future, so as not to exhaust the earth's resources.

Lastly, the material well-being of individuals is highly dependent on their ability to have fair access to these different consumer goods. On a more general level, it is the issue of society's access to natural or artificial resources. We know that water, in particular, is vital and its link with the landscape is direct (public or private watercourses, expanses of water and springs) or indirect, through the competition of the different sectors of activity in the exploitation of water. The implications of such access to water are obviously very directly linked with living conditions, that is to say the wealth or poverty of populations.

2.2.4. Landscape and social well-being

Social well-being is related to the satisfaction of needs and aspirations that collective living – life as part of a society – is able to provide. This is the sense in which this report considers it, although it is distinct from the usual definitions of social well-being, which see it more as the satisfaction of people's basic needs.

The link between social well-being and the landscape can, therefore, be seen from several angles:

- taking account of the material conditions according to which people’s living environment is organised – that is to say people’s everyday landscape – which make it possible for members of society to live together in harmony with their neighbours;
- taking account of the landscape as evidence of the interest the authorities take in society, its quality of life and the well-being of everyone;
- taking account of the landscape as a creation of the human community, that is to say the landscape in which the social groups which make up society recognise their aspirations to live together and their actions.

A landscape which reflects the ability of a society to create a quality of life which permits collective living is, first and foremost, a landscape where the social conflicts that can arise around access to resources and services are reduced by the visibility of the efforts made by the authorities to remedy them. These efforts are, indeed, visible to a greater or lesser extent and people are acutely aware of the importance of public investment in the landscape. The landscape of an urban district can reflect the care of the public authorities through the quality of its open spaces and the presence of services, or employment. Once the inhabitants of that district fail to be aware of such an effort on the part of the authorities, a lack of well-being takes over, often manifesting itself in social conflict, because the inhabitants feel that they have been abandoned by the politicians they have often had a part in electing and complaints are frequently directed against “others”, who do not belong to the district in question, but are from another geographical area, or who appear to have greater access to consumer goods; this is true of numerous disadvantaged estates or housing developments.⁶⁸ It is also true of people who live in rural areas undergoing social or agricultural depression who, when confronted by visible signs of the abandonment of social activities in the landscape (tumbledown houses, land lying fallow or undergrowth springing up, etc.), accuse the authorities of having abandoned them.

A landscape is therefore capable of providing social well-being if, on the one hand, it is the visible expression of the efforts of the authorities to ensure all inhabitants have access to goods and services and if, on the other hand, it shows clear evidence of an attempt to make such access equal.

Social well-being is also considered to be what inhabitants feel when, in the landscapes that constitute their living environment, they see that their aspirations, or their contribution to political decisions, are taken into consideration. This link between landscape and social well-being is related to the previous links in so far as the visible signs of the interest shown by political bodies in land-use planning

68. Surveys carried out in urban areas in low-cost housing estates on the outskirts of a big city reveal this feeling on the part of residents of having been abandoned by politicians, which is summed up in phrases such as: “What do we matter? For them [the politicians], we’re nothing, we don’t exist.”

to satisfy people's needs and aspirations reflect the interest they themselves have in the role of such populations in the decisions they take.

One of the first conclusions that can be drawn from this rapid analysis is how difficult it is to strictly separate individual well-being and social well-being, on the one hand, and physical well-being, material well-being and spiritual well-being, on the other. If there is a link between landscape and well-being, it may be one which intimates that only physical well-being, only material well-being, only spiritual well-being, only individual well-being or even only social well-being is not enough and that well-being is in all probability all of them at once: physical, material, spiritual, individual and social. Thus the landscape constitutes a path to be explored, in that it has a material dimension which links it to material and physical well-being, a non-material dimension which relates it to spiritual well-being and, moreover, the landscape is perceived individually, but is at the same time the perceptible reflection of social practices, that is to say all of a community's activities.

2.3. Do contemporary landscapes produce individual and social well-being?

Although it cannot be denied that, in the last century, European society has experienced an improvement in standard of living and considerable progress both in the production of consumer goods and access to comfort, it is also true that these advances are very poorly distributed and that the disadvantages of these advances, notably in the technological and environmental field, have given rise to a number of social protests and complaints.

The landscape changes that the countries of Europe have experienced may have been beneficial for the well-being of their populations; this is true of all changes which have contributed to material comfort, such as improvements to housing, means of transport or access to leisure facilities or energy. These changes have, in effect, been reflected in the landscape by an increase in both group and individual housing, by the creation of road or rail networks, by the creation of seaside resorts or winter sports resorts and, more generally, by sports facilities and by the construction of hydroelectric dams. In rural areas, too, comfortable housing has become more widespread and has made a major contribution to improving living conditions; this can also be said of agricultural production which, since the Second World War, has become largely self-sufficient and even produces a surplus, benefiting mainly countries with an expanding export trade. There is also a wider variety of products.

However, one observation needs to be made: these trends benefiting the development of individual and social material well-being, which has also permitted the development of physical well-being by improving access to food products and sports facilities, are not evenly distributed throughout Europe. Many regions and countries have not experienced these changes. Disparities even increased, in

particular between the countries of western Europe and the countries of central and eastern Europe, during the Communist period, when the collectivist economy based its objectives on agricultural and industrial mass production, neglecting the production of consumer goods and food diversity. It was this economy, in particular, that contributed to the creation of the multitude of small plots of land or family allotments in eastern Europe devoted to food production for the population. It is also possible to see these creations as a symbolic reaction to a political regime which sought to eliminate any hint of individual ownership which, according to Communist ideology, was a middle-class principle. These tiny parcels of land which surround most towns and even villages of central and eastern Europe have contributed greatly to offsetting the material, physical and spiritual absence of well-being of the people.

Disparities are also created inside a country between developing regions and disadvantaged regions as a result of demographic movement, which has led to a process of social or agricultural decline (in the case of mountainous or isolated regions) or, conversely, a process of excessive population densification in areas surrounding big towns and cities.

Among the factors which have made the biggest contribution to landscape changes, it is possible to identify those which have contributed most to a reduction of well-being.

2.3.1. Rationalisation of activities for greater productivity

Such rationalisation is reflected in landscapes, first, by a rationalisation of agricultural activity: the disappearance of most of the minor elements of vegetation that punctuated the landscape, or gave it structure, such as hedges and embankments; the increase in parcel size, as a consequence of the reduction in the number of farms, has thus radically changed the rural landscapes of Europe; this change has had an effect not only on most people's concept of the countryside, giving it an image of a landscape damaged by excessive attempts to raise productivity, but also on renewable resources, such as water, the quality of which has deteriorated seriously as a result of the run-off of pesticide- and nitrate-laden water into watercourses or their leaching into groundwater.⁶⁹ Even if the visible changes merely contradict essentially symbolic models of the landscape (the myth of bucolic or pastoral life), they play a role in the creation of well-being because they contribute to the undervaluing of rural landscapes and their association with the deterioration of living conditions.

Besides, these changes pose a threat to biodiversity: the disappearance of numerous forms of animal or plant habitat has reduced the numbers of many species belonging to ecological cycles and constituting the richness of flora and fauna, a vital resource for the future of human populations in particular.

69. Regular increase in the quantities of nitrate and atrazine, in particular, in drinking water in most regions of Europe where intensive farming is practised.

Changes in urban landscapes have not escaped this quest for rationalisation. This is often reflected by the prioritisation of economic efficiency and the fastest possible profit, at the expense of urban planning designed to reduce stress for individuals or the community. Despite one or two improvements associated with the creation of pedestrian zones in towns, the urban landscape is organised around the car. One need only observe the time it takes a car to cross a junction which is organised to facilitate the flow of traffic and compare it with the time it takes a pedestrian, attempting to cross the same junction and finding himself obliged to take a path which is constantly interrupted by traffic lights, in order to appreciate the priority given, in the majority of cases, to traffic.

This rationalisation is also the reason for buildings which are designed and erected in open spaces to house large numbers of people and which reach such dimensions that those public spaces that remain accessible to pedestrians are fewer, or are crossed either by roads or by wind turbulence, which individuals find unpleasant. Big estates designed to house disadvantaged people often become social ghettos, with a concentrated population of unemployed or socially excluded immigrants; these are the urban landscapes which those people interviewed most often associate with social exclusion, juvenile delinquency, violence or unemployment.⁷⁰

It is clearly at the root of air pollution in cities, this now having been firmly acknowledged in epidemiological research as the source of serious illnesses such as lung complaints in young children or lung cancer in adults.⁷¹

2.3.2. The quest for immediate profit and/or the logic of speed

The desire for greater efficiency in working practices – which does not necessarily mean greater efficiency in social terms – has led to a compression of social time and natural time and is highly prejudicial to individual and social well-being. This process, which is closely related to a logic of speed, has led to organisation and production practices which give preference to road transport, which is more flexible in adapting to the market and to the just-in-time rule. It is nothing new to recall here the predominance of goods transport by road over rail,

70. Results of surveys conducted in several major French cities in 1997 and 1998.

71. According to the latest estimates provided by the Regional Office of the World Health Organization (WHO) for Europe, about 80 000 deaths a year in Europe can be attributed to long-term exposure to road traffic air pollution. Research suggests that, apart from professional drivers and road workers, the elderly and the very young are most at risk of adverse health impacts. The research on day-to-day variations in urban pollution and respiratory diseases and related hospital admissions shows the most significant findings in relation to young and old people (2003 report, WHO Regional Office for Europe). Scientific experts attending the European Forum on Transport, Environment and Health organised jointly in Vienna by the WHO Regional Office for Europe and the Austrian Ministry for the Environment agreed that diesel exhaust contains a number of potential and proven carcinogens and contributes to human lung cancer. A recently highlighted new class of potent mutagenic compounds found in diesel exhaust and airborne particles (nitrobenzanthrones) is likely to be among key factors here. Evidence is also increasing for a link between childhood cancer and motor vehicle exhaust, possibly due to benzene exposure.

which results in more congestion year by year on roads and motorways and in a number of road accidents whose long-term social cost is out of all proportion to the immediate economic advantages. We all know that car production is one of the essential motors keeping Europe's economy turning, but does it really have to be accompanied by this logic of speed which kills an astounding number of Europeans every year and represents an undeniable social cost and absence of both physical and spiritual well-being (physical injuries, family misfortune, etc.)?⁷²

Furthermore, giving priority to individual road transport accentuates the problems of noise in and around cities, in residential areas across which motorways or trunk roads run.

If we consider all the problems created by this quest for a compression of social time, the cost for society as a whole is exorbitant and clearly responsible for an absence of material, physical and spiritual well-being. Mr Robert Coleman, Director General of the Transport Division of the European Commission, has stated: "as regards fatalities only, we still accept about 123 a day, just under 45 000 a year". In the European Union, the total cost of the harmful effects of transport, including congestion, on the environment and on health is estimated at up to €260 billion.

It is not only cities that bear the cost of this logic: rural areas are also subjected to a concomitant compression of social and natural time. "Artificial" or off-ground agriculture is an aspect of this process in that it seeks to reduce production times, whether of animals or plants: some agricultural systems, such as greenhouse cultivation, can produce two harvests of fruit and vegetables a year, by using artificial soil (hydroponic systems) and computer-aided techniques which make it possible to deliver fertiliser and plant protection products to crops; this type of production is carried out in an overheated atmosphere with a high water consumption (the atmospheric condition which accelerates plant growth), the agricultural employees who work in them being increasingly affected by lung, dermatological and eye conditions. The use of antibiotics in off-ground animal-rearing units is commonplace; it is justified on the grounds of a fear of epizootics, but in fact it is well known that they accelerate weight gain in animals, which is a means of increasing productivity.⁷³

All these production systems form part of the landscape: glass or plastic greenhouses, off-ground rearing units, together with the panoply of equipment required to deal

72. In 1995, according to WHO statistics, in the European region as a whole, there were 2 million road accidents, killing 120 000 and injuring 2.5 million. One road death in three involves a young person under the age of 25 and pedestrians and cyclists pay a particularly high price; in the United Kingdom, 45% of deaths are pedestrians or cyclists and in Hungary the figure is over 50%, whereas it is appreciably lower in the majority of west European countries (17% in France, 20% in Germany and around 30% in Denmark and the Netherlands). Of all users of motor vehicles, motorcyclists constitute the group at highest risk. In fact, the risk of being killed or injured on a motorbike is 10 and six times respectively higher than in a car. *Ibid.*

73. It is known that these antibiotics are found in meat on butchers' stalls and that people eat them.

with the pollution, such as slurry pits, installations for the destruction of waste plastics, etc.

2.3.3. The disappearance of the culture of nature in favour of technological or virtual culture

A population which is becoming increasingly urban has often severed some of its roots with the countryside and has lost its empirical knowledge of life in a natural environment, which was based on a knowledgeable and strict observation of the material processes of the physical or biological world and on learning from daily experience. Today, this knowledge is replaced by technical and scientific knowledge, or by virtual knowledge, via multimedia sources which disseminate images of nature at work which are often partial or unvalidated.

This development is part of the new political configuration, where experts play an increasingly important role in political decision-making. Some commentators consider that, these days, “technical democracy”, where elected representatives take refuge behind the advice of experts to justify their decisions, is gradually taking over from political democracy, where the elected representatives of the people take decisions in consultation with everyone concerned. This trend has the effect of removing the people’s power to intervene in political decisions, under the pretext that expert knowledge is superior to popular knowledge. While it is true that popular knowledge was often steeped in beliefs or myths, it is also true that it was based on long-term observation and has been recognised by studies in anthropology, geography and sociology, notably since environmental issues burst onto the social scene.

This process of the disappearing culture of nature, in particular where farmers are concerned, gives rise to conflict due to a lack of mutual understanding of professional activities and practices and is often the cause of disputes and resentment, which are more likely to cause ill-feeling than well-being. It increases the gulf between “those who know” and “those who don’t know”. It justifies snap decisions, which deny those involved the opportunity of gaining a better understanding of the processes involved in nature at work.

Lastly, the dissemination of the culture of the virtual by the media, including the Internet, provides an opportunity for some image merchants to reinforce certain falsehoods and divert attention along paths which are dangerous for knowledge-sharing in society. There is no denying that these media networks have countless advantages, but they can also constitute highly profitable markets for unscrupulous groups or individuals.

2.3.4. The difficulty of securing public participation

Although public participation is referred to in numerous texts concerning the management of environmental issues or land-use planning – including the European Landscape Convention – it is still a principle which is rarely or not strictly applied, or even merely a pious hope.

The difficulty of implementing this principle is due no doubt to the mistrust of public debate in political circles, for fear that it could raise controversial social issues or challenge planning projects which are profitable for certain groups in society. It is also due to the poor training of elected politicians in holding an open and two-sided debate. Moreover, members of the public are reluctant to enter into a debate and speak; it is often the leaders or certain key individuals in local society who take the floor, while most residents are afraid to speak at public meetings, either for fear of going against the interests of one or other dominant group in local society, or simply because they have difficulty expressing themselves. Local controversies are clearly important matters which inflame old rivalries (whether between families or categories). With landscape, moreover, it is land which is at stake, bringing to the fore the issue of private and public ownership and the interests of different categories. There is also the question of material and spiritual well-being, because ownership involves not only the material comfort that a property can bring, but also spiritual well-being, through the attachment a person may feel for a particular place, which may be the territorial imprint of a family or, more simply, the subject of affectionate or symbolic investment.

This difficulty of achieving public participation may also give rise to an absence of well-being in individuals who can no longer recognise themselves in the landscape which has been transformed by decisions in which they have not been involved.

2.3.5. The trend towards the monetarisation of non-market goods

The mechanisms for evaluating environmental goods have, for several years now, called upon economic methods which tend to assign a market value to amenities, including the landscape. Apart from the fact that these methods, which are based on an agreement to pay, for example, seek to give monetary values which are unrelated to symbolic or aesthetic values, they upset the representations individuals have of the landscape, which could gradually be likened to a marketable good. Admittedly, the tourist trade is based largely on the market values of landscapes which Elisée Reclus denounced back in the 19th century.⁷⁴ But the widespread use of these methods is likely to have a perverse effect and, in particular, to encourage people to consider any emotional, symbolic or aesthetic value as a monetary value.

Well-being is, in fact, treated by some institutions whose purpose is to regulate the economy in the same way as a rise in the gross domestic product (GDP); this way of looking at matters reduces well-being to nothing more than material well-being, which is in complete contradiction with the definitions given earlier. It is gradually being challenged by certain bodies such as the World Health Organization. Among the arguments that militate against this narrow interpretation is the case of the State of Alaska which, following the break-up of the Exxon Valdez on its shores and the pollution of its coastline by oil, saw its GDP rise in the following years as

74. Elisée Reclus, *op. cit.*

a result of the depollution activities that were developed there and which made it possible to inject considerable sums of money into the economy. Liking social well-being to an increase in GDP cannot easily take account of the differences in value for a society of the various investments it makes: is the investment a State makes in building a prison as profitable for the well-being of the people as investment in the education structure?⁷⁵

In any event, increasing concern about the landscape has resulted in the establishment of a real market in landscaping, which organises this sector just like any other sector of the economy, but which, quite often, limits itself to formal arrangements, rather like a nature show which takes no account of the different dimensions involved in landscape planning, namely the social, economic or ecological dimensions. There is a lot at stake in this market, both on a regional scale and on a national and international scale, bringing into play the interests of different professions, such as landscape architects and also ecologists and urban planning experts and even the scientific community.

Ultimately, this is a rather mixed appraisal. Recent changes to the landscape have certainly led to an improvement in living conditions but not only have they not been distributed equitably and for the benefit of the greatest number, but also they are closely associated with the emergence of numerous environmental risks and are not always synonymous with economic development. The gulf between rich and poor in the same country, just like the gulf that exists between developed and developing countries, has widened, as we know, and although some processes have benefited individual and social well-being, we can also see a lack of individual and social well-being in the changes taking place in the landscape.

2.4. The European landscape convention's contributions to individual and social well-being

Fundamentally, the objective of the European Landscape Convention is, through landscape protection, management and planning, to contribute to high-quality landscapes to improve the quality of life of the people of Europe. It therefore forms part of a global design to improve individual and social well-being.

First, the European Landscape Convention goes beyond the framework of the concept of landscape that existed before the 1960s, when early studies sought to associate the landscape with quality of life; the scope of the convention is sufficiently clear to suggest that it is the quality of life of the people which is at stake here and not the most spectacular landscapes. Although there is no doubt that protecting certain exceptional landscapes can contribute to spiritual well-being by guaranteeing to safeguard the symbolic values that they represent, the issue of the

75. Example suggested by MK Hubbert, National Council of Welfare, Canada, 2003.

daily landscapes of the great majority of the people of Europe, be they urban or rural, is much more important.

Moreover, the European Landscape Convention, by its principles, responds to the different dimensions of well-being that this report raises.

– By affirming its contribution to the principle of sustainable development, it meets the needs of material and physical well-being: the conservation of natural resources that it implies, both quantitative and qualitative, is one of the essential elements of this well-being for future generations; but at the same time, it must play a role in spiritual well-being, inasmuch as sustainable development implies social equity, that is to say the need to share these resources in such a way that the most privileged social groups do not obtain the greatest benefit, and the concern of the authorities to guarantee the quality of resources necessary for public health.

– By stressing the cultural dimension of the landscape, the European Landscape Convention also meets the needs of spiritual well-being: fair access to high-quality landscapes, to the knowledge of the processes of landscape change and to the information necessary for transparent decision making.

– The European Landscape Convention also stresses the urgent need to develop a concern on the part of the authorities for the spatial organisation, planning, management and protection of high-quality landscapes, these being its main objectives. The focus of this concern must be individual and social well-being and not the interests of the major economic movements which, we know, have their limits, in particular in the equitable distribution of open spaces, resources and consumer goods. It must be of such a nature as to enable people to see tangible signs, in the planning or management of landscapes, of the authorities' desire to concern themselves with individual and social well-being and not solely with the profits of sectors of economic activity and the profitability of speculation on the stock exchange.

– Public participation in decision making is one of the fundamental principles of the European Landscape Convention. For instance, it contributes to spiritual well-being by providing an opportunity for public participation and recognising the public as the principal actors in decision-making processes affecting their living environment and quality of life. It is clearly the area in which most progress must be made, where there is the greatest need for social, political and technical innovation, in order that this participation does not remain merely an illusion, but becomes a reality and people recognise the democratic value it purports to guarantee. The convention also affirms the importance of this participation from the very first stages of landscape planning, management or protection procedures, that is to say the landscape identification and characterisation stages. In this way, it incorporates the aspirations of the people throughout these procedures and should contribute to social well-being.

– The demands for training for those involved (including the public) in landscape planning, management and protection, which are introduced in the European Landscape Convention, also meet the needs of spiritual well-being by providing

knowledge to give a better understanding of the process of landscape change in its social, economic and ecological dimensions.

– The principles of raising awareness are also factors in the improvement of individual and social spiritual well-being, because they provide an opportunity for individuals and human communities to gain a better understanding of decision-making procedures in the area of quality of life and to more easily make a link between their daily lives and such procedures.

Conclusion

The European Landscape Convention thus reinforces the objectives affirmed at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 and the Johannesburg World Summit on Sustainable Development. It endorses the action of a number of international bodies, notably the World Health Organization, whose message at the summit was to remind participants that investment in health and the reduction of environmental hazards produces long-term benefits that favour development in social, economic and ecological terms.⁷⁶

However, one of the most important contributions of the European Landscape Convention is, without doubt, that landscape planning, management and protection issues, as part of regional planning, must be seen holistically, without separating the different dimensions of the landscape, be they economic, social or ecological; by affirming the need to include these dimensions at the same level and without separating them, the European Landscape Convention contributes to both individual well-being and social well-being and to material, physical and spiritual well-being. Finally, implementation of the European Landscape Convention must be fundamentally imbued with a spirit of social equity and thus distance itself from the idea, propounded in the 19th century by Alexis de Tocqueville, one of the greatest theorists of the principles and exercise of democracy, that the concept of well-being owes its existence solely to the middle classes; rather, it is a universal concept. Everybody thinks about it and seeks to achieve it, including the most disadvantaged groups of European society, and one of the duties of those who most easily achieve well-being is to ensure that it is accessible to all.

76. Report of the Director-General of the World Health Organization 1998-2003.

3. Landscape and spatial planning policies

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“Each Party undertakes: [...]

d. to integrate landscape into its regional and town planning policies [...]”

Article 5.d of the European Landscape Convention

Introduction

Under the European Landscape Convention each party undertakes to “integrate landscape into its spatial and town planning policies”.⁷⁷ This textual reference forms the basis for this report, whose drafting also takes into account other convention provisions, the convention’s Explanatory Report and working documents from the First and Second Conferences of the Contracting and Signatory States, as well as the main spatial planning documents from the European Conference of Ministers responsible for spatial planning (CEMAT-CoE) and the European Union.

The importance of the relationship between spatial planning and landscape policies is clearly established in the convention, as the following extracts show.

- Article 5.d lists regional planning policies first, followed by other policies, some cited specifically and others generically for their “possible direct or indirect impact on landscape”.
- The Preamble to the convention places this new legal instrument among various international texts devoted, amongst other things, to spatial planning policy.
- Thus the Explanatory Report points out that the convention “is part of the Council of Europe’s work on [...] spatial planning”.⁷⁸
- The same report gives pride of place to spatial planning among the policies that Contracting States must “systematically” develop.⁷⁹
- In paragraph 49 on the distribution of responsibilities for landscape between the different levels of administration in each State – depending on their legislative systems – the need to co-ordinate these levels within spatial planning policy is specifically mentioned.
- Last but not least, spatial planning is also mentioned in the commentary on training specialists in landscape theory and practice.⁸⁰

In addition to these specific references, other provisions in the convention and its Explanatory Report suggest a growing need for a closer relationship between spatial-planning and landscape policies, although without neglecting the development of other links with equally important policies (historical heritage, environment, etc.). The main comments here are the following:

- the many references to and mentions of territory in a document on landscape clearly demonstrate that although territory and landscape are two separate concepts and realities, they cannot be dissociated;

77. Article 5.d of the European Landscape Convention.

78. Paragraph 36 of the Explanatory Report of the European Landscape Convention.

79. Paragraph 50 of the Explanatory Report of the European Landscape Convention commenting on Article 5 of the Convention.

80. Paragraph 53.b of the Explanatory Report of the European Landscape Convention.

- the scope of the convention, which covers the Parties’ entire territory, makes territory the common subject of spatial planning and landscape policies;⁸¹
- the convention’s application to all types of natural, rural, urban and peri-urban areas, whether land or water – including inland waters (lakes and ponds) and marine areas (coastal waters and the territorial sea) – and to all landscapes (outstanding, everyday and damaged) establishes an additional link with spatial planning, which is inevitably associated with different areas and the relationship between them;
- lastly, spatial planning and landscape policies converge in that they help to fulfil extremely important common objectives: a satisfactory quality of life for residents in all areas, and balanced and sustainable spatial development.

The main European documents on spatial planning stress the need to take account of landscape. Thus the European Regional/Spatial Planning Charter, in its first “specific objective” for rural regions, calls for “conservation and management of the natural landscape” in these areas. Similarly, the Guiding Principles for Sustainable Spatial Development of the European Continent (GPSSDEC-CEMAT – Recommendation Rec(2002)1 of the Council of Europe’s Committee of Ministers to Member States) lay down more detailed spatial planning measures for cultural landscapes. The same standpoint has been adopted and enlarged by the European Spatial Development Perspective (ESDP) when it demands creative management of these landscapes as part of an integrated heritage and nature policy for a territory.

The above remarks cover not only specific provisions but also more general ideas. They apply to both spatial planning and town planning for two main reasons: on the one hand, “spatial planning” and “town planning” are very frequently cited together in the above-mentioned provisions; on the other, spatial and town planning, even if on rather a different scale, are based on the same theoretical paradigms and have similar conceptual and methodological foundations. Moreover, they are frequently implemented in association in a co-ordinated framework, although we may note differences in administrative guidelines and allocation of powers in European regions and States. However, in this report we shall use the term “spatial planning” in its broadest sense, including town planning, as signifying reflection, planning and action for all areas – whether urban, rural or natural – and always with the object of achieving a balanced distribution consistent with the activities, land use and values associated with the various parts of a territory.

Spatial planning is a scientific discipline, as well as both a political and an administrative practice, which can be applied on different spatial scales. The relevant political institutions act either on their own or by sharing the same area, which is organised at different territorial levels. The way in which spatial scales and political levels intersect in Europe is particularly complex and varies considerably from country to country. This report discusses the four spatial scales conventionally known as continental, national, regional and local, together with

81. Article 2 of the European Landscape Convention.

four levels of political action: international, national, sub-national and local. With the aim of setting out the main ideas and general issues relating to each of these spatial scales and political/administrative levels, the report will focus on the developing relationship between landscape and spatial planning on the national, regional and local scales and associated political levels in terms of the Convention's provisions as originally drafted under the auspices of the Council of Europe's Congress of Local and Regional Authorities of Europe.

3.1. European spatial planning practice

Territory is an essential element of any polity. As such, it is bound up with a society's population, culture and norms of co-existence. Calls for reform or social improvement have frequently included references to the type of spatial organisation desired. The term "utopia", as a supreme aspiration or "unattainable place", literally reflects the importance attributed to territory in human desires. More practically, the concept of territoriality has been used throughout history to determine the spatial limits of laws and legal rules.

Over its long history, Europe has provided many examples highlighting the importance of territory, with both negative and positive consequences. Thus European contributions to the development of spatial planning policies have been many and authoritative at international level. The way in which the debate on planned cities, the actual construction of urban settlements of different sizes with different functions, land settlement, land clearing, then fragmentation, and lastly the design of core areas and transport systems have evolved in Europe demonstrates a growing capacity to control the physical areas where population and various human activities are located. More recently, town and spatial planning has become highly developed in Europe, being established at all political levels and on all spatial scales. Since the end of the Second World War, with the reconstruction of a large part of the continent, planning on a regional scale has undergone uneven development. However, spatial planning practice is constantly improving throughout Europe, thanks in part to the methodological guidelines and contributions from the Council of Europe in connection with CEMAT-CoE and the European Union.

Spatial planning, including town planning, has always been regarded as an indispensable public practice whose main aim is co-operation between the various branches of government participating in use of land for the basic objectives of any society, such as life, peace, social well-being and sustainable development. Traditionally, the specific goals of spatial planning have been elimination of spatial imbalances, the physical relationship (or connection) of places in a given area with each other and the outside world, rational use of renewable and non-renewable natural resources, and the reclamation of damaged or derelict areas. These goals may also translate into the need to give each area, whatever its scale, the spatial systems and structures allowing, on the one hand, internal cohesion within an area and its integration into larger areas, and, on the other, identification within such areas of

pockets of diversity or inequality requiring special arrangements to preserve their values or correct differences that are unacceptable in any democratic scheme of co-existence. A more recent version of these objectives can be found in summary in documents from the Council of Europe (such as the Guiding Principles for Sustainable Spatial Development of the European Continent – Recommendation Rec (2002) 1 of the Council of Europe’s Council of Ministers) and the European Union (European Spatial Development Perspective – ESDP), such as the need to achieve sustainable and balanced spatial development. We shall discuss below the role that landscape can play in achieving these objectives, as well as, conversely, the functions that may fall to spatial planning policy with respect to landscape protection, management and planning.

The above-mentioned spatial planning objectives, expressed in various ways, are valid for all spatial scales and all policy levels. For each possible situation they must take account of various processes and primary causes, specific procedural and methodological approaches and the range of options for implementation and assessment (content, normative, cartographic, etc.).

In practice, spatial planning may be pursued by various authorities, although it is often assigned to the highest body in the political apparatus at the different levels, but its objectives must be shared by the various policy fields or departments whose measures have direct or indirect repercussions on the territory. In any case, the practice of spatial planning requires social participation and co-ordination between authorities: vertical, horizontal and transverse. Horizontal co-ordination on a continental scale ensures the coherence of national measures and, in each of the States or at other political levels, consistency of objectives and the territorial effect of sectoral policies. Vertical co-ordination must ensure both that general interests are protected and that the most concrete decisions about an area can be taken at the levels closest to the public. Transverse co-ordination allows a complex approach to spatial planning matters that embraces the various non-governmental and non-political players, encouraging public participation and social creativeness.

The local plan is the instrument of small-scale spatial planning. Large-scale planning generally employs master plans or strategies. In each case, these instruments offer a chance to develop knowledge, discussion and creative ideas about the area in question. They also incorporate the agreements concluded between the various players and legitimate interests as well as reflecting the compromises that governments have established with the societies that have elected them and which they represent. The different political levels and policy sectors have to co-operate in developing and implementing local plans, master plans and strategies for spatial planning. Moreover, spatial planning instruments are prescriptive and have to be respected by private agents and the various levels of action. Any development plan must be understood not only as an expression of the desired spatial model but also as an exploratory and strategic process, flexible in nature, developed through selective actions and adequately endowed with instruments for management, monitoring and assessment of results.

The complexity and scope of spatial planning instruments and objectives today require clarification of their links with other policies, first to give spatial coherence to policies establishing the basic principles of any society, such as identity (culture, heritage), well-being (health, education, social welfare), environment quality and sustainable development (nature, environment, economy), and second to coordinate sectoral policies affecting territory (in particular agriculture, transport and communications infrastructure, industry, energy and mines). Spatial systems and structures ensuring the cohesion of a given area on any scale must be established by spatial planning instruments, which must, at the very least, provide for the following:

- genuinely equal access for all residents of an area to basic services (sanitation, schools, welfare, recreation) recognised as individual and/or social rights in national, European and international standard-setting instruments;
- equivalent accessibility to the various transport and communications facilities, to knowledge, to the above-mentioned services and to economic employment and/or business opportunities and resources;
- residents' access to the natural environment and the possibility of enjoying nature undisturbed.

The specific enhancement of areas of diversity or inequality as another priority function of spatial planning will also make it possible to undertake the following:

- mark out the areas which, because of their cultural, natural, strategic or scientific value, their territorial diversity or on other general interest grounds, require a certain level of protection;
- distinguish parts of the territory which, because of their conformation or location, are subject to natural or man-made risks, in order to limit their residential, recreational or productive use;
- determine, in areas offering various options for use, the compatibility or incompatibility of these options;
- identify areas whose inhabitants suffer general inequality, in order to take priority action and eliminate unjust situations or spatial imbalance;
- address the question of uninhabited or depopulated areas as an important spatial planning issue.

For policies relating to cultural heritage, to the environment and to sustainable economic development, spatial planning can be instrumental in incorporating and giving spatial cohesion to what are perceived as their territorial constants, in order to preserve identity or cultural diversity and to guarantee environment quality, the sustainability of natural resources and their transmission to future generations. Similarly, spatial planning policy must reflect, with the precision required by each spatial scale and level of action, the localisation of all human activities, especially those with a more marked impact on an area considered as a limited resource on which other limited goods depend (water, soil, minerals, vegetation, etc.).

The presence and distribution of heritage assets in a territory have a considerable effect on the creation of territorial identities and distinctive areas, which is an important issue in a globalised world tending towards homogenisation. Natural and cultural heritage, understood as meaning both tangible and intangible phenomena connected with archaeology, history, art, ethnology, etc., is one of the resources to have gained most currency in spatial development strategies formulated over the past few years. It has helped to redefine the role of areas regarded, until recently, as stagnant or marginal (mountains, semi-deserts, cold areas, etc.) and added to requirements for the planning and management of dynamic areas (urban, coastal, intensive farming, etc.). Heritage values also help to create spatial systems and cultural trails that have an important effect on the cohesion of certain areas not only for cultural reasons but also on account of their economic effect and the incentive they provide to settle low-population areas.

Special attention must at present be paid to the relations existing between spatial planning and the environment, which sometimes involve different political institutions. The legal and regulatory background here is often complex, established through channels that are not always convergent. The primary importance theoretically assigned to sustainability must be translated into certain priority conditions for locating activities and infrastructure, allocating land use and assigning water and energy resources in various areas and places. Thus spatial planning must provide siting criteria for hazardous activities entailing pollution or catastrophe risks to help reduce their impact on local populations and natural resources; it must also take into account the spatial repercussions of an emergent environmental planning that may tend towards sectorisation – as in the case of hydraulic planning, building of wind farms, application of impact studies to individual projects, etc. Policies to create natural and environmental networks by establishing protected, sensitive and natural hazard areas and to regenerate damaged areas, etc., may have beneficial effects on spatial planning through co-ordination and co-operation between different political levels.

Initially, spatial planning was essentially economic in orientation. Although it is now less exclusively so, it cannot rule out this aspect. The important ties between spatial planning and economic processes call for different knowledge and approaches depending on the political level and spatial scale. On the continental scale in Europe the processes of economic convergence and social and spatial cohesion appear in the definition of specific development policies for large areas (urban, rural, mountainous, coastal, island, transfrontier), the allocation of structural funds to reduce spatial imbalances between the regions of Europe, the proposal for polycentric spatial development, the construction of trans-European networks and the priority given to improving the less well-equipped European corridors and to developing strategic connecting projects or links. Existing networks of protected areas on the European scale (World Heritage sites, biosphere reserves, Ramsar sites, biogenetic reserves, European Diploma of Protected Areas, Mediterranean Specially Protected Areas, Baltic Sea Protected Areas, Natura 2000 Network,

Emerald Network) link environmental (especially nature) policies to other social and economic functions.

On the national and spatial scales and political levels – complicated in Europe by various patterns of territorial organisation and spatial development – certain spatial planning policies are more frequent or common, although the further down the spatial scale we go, the greater the importance of territory-specific information. Three examples of priority policies on these scales and at these levels are:

- enhancement of each territory’s endogenous development – according to its geographical situation, resources, capacity and social initiative;
- decentralisation of activities, leading to the creation of balanced urban systems, avoiding depopulation of deprived rural areas and places, and stimulating the rural-urban relationship as characteristic of a unitary society spread over a diversified territory;
- equal access to public services, infrastructure (encouraging intermodality of different means of transport) and information and communication technologies.

On the local scale (which includes joint initiatives for supra-local areas or networks by several local authorities) planning issues and objectives can differ considerably according to the size of agglomeration and type of environment (urban centres and conurbations, small and medium-sized cities, rural centres). However, in all cases there are very important common features. It is, first of all, the most immediate level of public participation in planning policy, both to defend legitimate individual interests and to protect common or general interests. It is also the lowest level of political and administrative management, responsible for the most detailed and specific spatial decisions: chief among them, determination of land use, siting of public services and facilities, permits for construction, location and starting of businesses, and identification of heritage features. Co-ordinating action with the highest political levels is particularly important for effective planning on the local scale. It may thus be useful to lay down a principle of inverse correspondence: the local authority lends the most geographical precision to mandatory acts in the common interest formulated in more general terms by higher authorities.

The greater part of European territory is rural. In developed countries with good communication networks, rurality, although still retaining its eminently agrarian function and its own cultural connotations, is increasingly becoming a mainly spatial or territorial reality. Rural areas are diversifying economically and offer basic living conditions similar to those in urban areas. Thus spatial planning, in giving practical spatial expression to other policies, has an enormously important and complex field of action. For several decades now, most of Europe’s rural areas have been undergoing fundamental restructuring in terms of land use, with a wide spectrum of changes ranging from intensive farming to abandonment. These dynamics have had a decisive effect on the rural environment and its facilities, on the road system and the plot pattern in the country, on soil protection and erosion loss, on vegetation maintenance, on allocation of water resources, etc. A good

relationship between environmental and spatial policies is particularly important in rural areas, especially the most sensitive and fragile (mountain areas, river valleys, areas highly vulnerable to natural hazards or having a disturbed ecological balance for various reasons). The vitalisation of rural-urban relations, whilst maintaining the environmental quality of these areas, must be a priority for the future, in which the preservation of small and medium-sized cities and the improvement of living conditions will play an essential role.

Urban areas under redevelopment (industrial estates and port/mining areas with polluted or highly damaged soil) occupy a large amount of land in Europe. Many are of strategic value to the cities and areas where they are located, not only for economic reasons but also because of their potential for conversion into residential areas and public facilities or for improving the environment. There are many European examples of how to handle these areas in terms of redevelopment, rehabilitation or restoration. This has often produced real opportunities and improvements in certain towns, peri-urban and urban areas. Development plans, action based on a comprehensive vision of “urban policy”, European programmes such as Urban, or simply strategic individual measures, have been useful instruments for bringing about transformations with wide environmental, social and economic repercussions.

In advanced societies, the availability of leisure time has a tendency to increase for ever-larger sections of the population. The filling of leisure time with recreational or cultural pursuits or conventional tourism requires dedicated areas and increases people’s spatial mobility. These widespread wants reflect a greater measure of freedom, individual autonomy, exchange and cultural receptiveness. Tourism has branched out from its initial health and cultural activities to take in travel. After a period of relatively unregulated supply to meet mass demand, tourist pursuits have become more specialised, frequently with a requirement for sustainability (cultural, rural and natural tourism). Spatial planning on all scales must decisively influence the development of this factor, which has an enormous territorial impact. Since European coasts and islands are a particularly fragile and special environment, mass tourism has therefore begun to require special measures such as moratoria on building or use of water resources and the introduction of new environmental tax measures. The priority in achieving sustainable and territorially balanced tourism is undoubtedly to make optimum use of existing buildings and infrastructure before undertaking new construction or urban development.

One final spatial planning aspect to be taken into consideration is large-scale infrastructure and public works, whose effect on a territory is basic in ecological, economic and social terms. The improved mobility and access to goods and services brought by such infrastructure (water, energy, transport, communications) offers important opportunities for personal freedom and collective development. However, the siting of networks and individual infrastructure can be ameliorated by reducing environmental impact and management/implementation costs. It is taken as a general principle that these networks will be integrated, especially for

transport and its intermodal development. After a long period of investment in improving and widening the busiest arterial roads (motorways), it is necessary to develop rail networks and improve the secondary road systems serving rural areas and linking them to the main networks. Development of public transport in urban areas and its maintenance in low-population areas, co-ordination of land-use planning or forecasting with public transport, and the idea of the latter as part of a general strategy to encourage urban polycentrism, can be decisive factors in ensuring that infrastructure makes an optimum contribution to effective and integrated spatial planning. Some types of recent and fast-spreading infrastructure such as wind turbines and communication masts have an exceptional impact on the landscape. It is essential to establish criteria for the siting and integration of these facilities, endeavouring to lessen their negative impact and adapting their form, distribution and number to the characteristics of the areas accommodating them.

3.2. Synergies between landscape and spatial planning

There are obvious relations between landscape and territory, and it is possible to create considerable synergies. Landscape is usually defined with reference to “territory” or a term with the same semantic root. An exclusively economic or biological understanding of territory as an area to be occupied or ruled and as a basic resource is enriched by viewing it as the outcome of complex interactions between various factors and as a social construct or lived space that can be improved by human activity; it takes on yet another dimension if we conceive it as a desired space. If spatial planning takes landscape into consideration it can go further towards achieving its social, economic and environmental objectives. Landscape must therefore be included in spatial planning instruments on all scales and at all levels of political action.

Landscape and spatial planning inevitably interconnect. Spatial planning proposals will always affect the landscape by transforming it, helping to preserve it or damaging it. The landscape’s wide range of meanings can offer important opportunities in terms of action and methodology for a discipline, administrative practice and policy that is still not sufficiently developed and whose guidelines are seldom shared and sometimes conflicting. Systematic consideration of landscape in spatial-planning instruments permits a genuine review of spatial models, since they can be based on a detailed understanding of each natural environment and the actual experience and perception that each society has of that environment in order, ultimately, to achieve the objective of balanced and sustainable development. The landscape development plan and study must work out the best type of relationship with spatial-planning instruments, one of whose main characteristics is their ability to incorporate varying situations in a given area, always in keeping with the legal and planning arrangements pertaining in each country or region.

Landscape is a constant living test for spatial planning, a set of signs reflecting a territory's history and the appropriateness or inconsistency of human practices in the lived space. In rural areas erosion, hillside instability, waterlogging or inadequate drainage, impoverished plant communities, abandoned land, badly sited infrastructure and buildings, etc., are often the result of inappropriate measures, which must be corrected. In urban landscapes dirt and fly-tipping, badly built or decaying buildings, inadequate development or lack of facilities and street furniture, amongst other things, underscore problems directly affecting regional and town planning.

Including natural and cultural aspects in landscape can be useful for achieving sustainability objectives, for three main reasons: first, because in traditional and indigenous cultures natural resources are treated with great care, producing highly aesthetic landscapes of great environmental significance; this fact, which has now been taken into account, enables us to understand the lived space in which a given culture has taken shape. Second, the preservation of each area's landscape values is associated with the survival of cultural models that have left their mark on the territory's morphology. Third, landscapes in their actual physical evolution can specifically and verifiably reflect cultural and environmental objectives often formulated in terms that are too vague or difficult to verify.

The inclusion of landscape in the actual practice of spatial planning fosters and facilitates public participation during both the technical preparation and the decision-making stages. The inevitable complexity of certain technical solutions to town and spatial planning issues can be made more comprehensible through recourse to landscape, whose three dimensions are more real and easier to grasp than the two-dimensional reduction of a cartographic representation that is commoner and, as a rule, the only representation required by law in spatial planning instruments. Non-technocratic information or briefing on planning proposals encourages genuine practice of citizenship, dialogue between various partners and the joint adoption of decisions. It is particularly important to ensure that the features which explain and structure a territory are understandable to young people in order to encourage their involvement in decisions. Use of currently available facilities for digital modelling of territories and landscapes on all scales may be helpful in this, since they make analysis, simulation of alternatives and virtual representation of the options much easier: the familiarity with information technology displayed by a large number of young people may be a useful way of increasing their involvement.

Systematic consideration of landscape in scientific and technical studies, which should form part of any planning process or action, can produce better-founded spatial planning and building and construction schemes. An objective understanding of the constituents, causes and natural, historical and economic processes that explain landscape will give coherence to any new site development and provide a framework of integration by also taking account of medium- or long-term structural relationships, which will give stability to future models that will be consistent with each area's environment and culture.

Similarly, consideration of landscape is a determining factor in town and spatial planning as well as in architectural and civil engineering plans and work. Integration of new structures into a landscape does not necessarily mean imitating what is already there; it may also be achieved through contrast, by creating new formal rhythms or forms, or by other methods stimulating individual and artistic creativeness in general. This assertion is based on countless structures from the past (bridges, aqueducts, temples, palaces, rural buildings) and the present (urban regeneration schemes centring on construction of a new and symbolic building). The ability to design future landscapes in harmony with nature and pre-existing human configurations is especially necessary today, since a large number of actual site developments and an extraordinary growth in urban districts with new functions are in the process of occurring while the landscape response is often inadequate. Confronting the need to create these new landscapes by releasing society from ultra-conservative attitudes and the pointless and impossible task of mummifying the entire territory is therefore an important challenge and an objective which is increasingly producing the realisation in spatial planning and landscape that another world is possible.

Landscape is a dynamic and changing reality which can afford criteria for managing spatial planning, whose most conventional methods have frequently been considered too static and rigid. Another important argument may be invoked to meet the challenge of sustainable development: it should be understood that the various elements making up the landscape have different paces of change and that this does not diminish the value of the whole but, on the contrary, increases it.

The definition of landscape quality objectives for landscapes previously identified and assessed⁸² and their inclusion in spatial development plans provides a good opportunity of giving legislative force to these objectives, since, on the one hand, in the domestic legal systems of most European states, spatial planning instruments – principally those for the smallest spatial scales and lowest political levels – provide mandatory standards and, on the other hand, there is a feedback process, with planning work facilitating better selection of landscape quality objectives. These practices may also be helpful for managing landscapes and monitoring their development, since spatial planning and land-allocation instruments – which generally cover larger areas of government – are usually associated with development, monitoring and assessment authorities.

Inclusion of landscape in spatial planning instruments makes it easier to restore the close bonds that have traditionally existed between each society and the area in which it lives, strengthens feelings of rootedness and belonging, and makes it possible, or at least easier, to preserve territorial diversity and the individuality of place. Consideration of landscape in spatial planning instruments – in terms of both understanding a complex reality and analysing it and making proposals to improve it – is an immediate public objective and represents the possibility

⁸² Article 6.D of the European Landscape Convention.

of direct and daily social enjoyment of it. Consideration of landscape increases the value attached to the whole in its complexity (landscape is a whole but is not everything) while giving citizens intelligible indicators of the realities determining the quality of the area which they inhabit or would like to have.

Spatial planning – as a discipline and a political and administrative practice – implies conscious action affecting the whole of a given area. It is a matter of substituting a process of sustainable local development for successive measures taken without any overall framework. These spontaneous measures have substantially shaped today's territories, which are usually experienced as areas that are stable or with a slow dynamic of change and are converted into landscapes of identity by human perception. Their present rapid rate of change and the multiplicity of actions influencing them are the main reasons why transformations must today be evaluated in relation to the overall area, of necessity including evaluation of perceived landscape aspects, which are frequently translated into cultural features. The values attached to landscapes by local people and visitors reflect a feeling of permanence and durability in contrast to their ephemeral lives. For this reason, landscape can be an appropriate way of achieving sustainable development objectives.

These same arguments can be used to connect landscape – comparing and contrasting different territories – with territorial diversity, the latter being understood as the set of values for each place that must be preserved or promoted against the rapid spread of standardised and homogenising models. The scale and speed of current changes have brought about the uniformisation and homogenisation of a large number of rural and urban areas. Thus one of the main functions of spatial planning, as conscious action on the whole of an area, may be to preserve the distinctive features of each territory and the general sense of its uniqueness.

3.3. Landscape in spatial planning instruments at different scales

The concept of scale relates the linear or surface dimension of a geographical area or phenomenon to its image. Originally associated with cartography, this idea took on a much broader signification in the 20th century, including an understanding of areas of all sizes and ranging from their main constituent elements to the causes or processes explaining them. Although the term is also used to designate other dimensions of reality, such as time, it is here considered solely in its spatial or territorial meaning because of the subject of this report. A consideration of scales entails a more methodological than theoretical approach; it is particularly suitable for the practice of spatial planning, since it distinguishes between questions that are often the responsibility of different political bodies and establishes ordered and sequential relations between them. In order to use this new methodological approach properly, it is important not to confuse scales with political levels of action, since the relationship between the two varies considerably in Europe. As

stated in paragraph 6 of the introduction to this report, we shall be considering four scales (continental, national, regional and local) and four political levels (international, national, sub-national and local).

3.3.1. The European scale

On the European scale, the relations between spatial planning and landscape must be defined in general, mainly prospective, strategies resulting as much from the political organisation peculiar to each state as the varied natural and historical configurations of the national territories. The nature of these relations will depend on the geographical scales and political levels of action explained below.

The consciousness of a common European destiny, progressively moulded by states joining forces, is bolstered, among other things, by a high-quality area regarded as a common home and able to project an attractive image elsewhere in the world. The European area is not very vast in comparison with other continental areas, but it is not compact or homogeneous either; its geographical situation in the mid-latitudes puts it in several climatic zones; furthermore, its jagged coastline and the fragmentary distribution of its major units of relief (apart from the central and eastern plains) produce compartmentalisation and considerable internal diversity. The variety of European landscapes is founded on natural differences, compounded by unrivalled cultural diversity. The way in which this wealth of landscape is preserved may also reflect in future the vigour of each European society's relationship with its own territory, although this does not entail an attitude hostile to innovation or to the incorporation of phenomena or methods from elsewhere.

Landscape, inasmuch as it is considered to be a significant part of the common European heritage, can give visible coherence to the European principle "united in diversity". The idea of landscape infuses meaning into the objectives of social and spatial cohesion, which for years have been defined as priority goals for Europe: multiformity requires cohesion if it is to be united. As the philosophers Jürgen Habermas and Jacques Derrida have noted, in Europe "the recognition of differences [...] can also become the mark of a common identity". If European landscapes are interpreted as the result of a particularly rich and expressive combination of a great natural diversity subjected to the action of peoples and societies also having diverse cultures, they become a direct spatial expression of the desire to preserve Europe's unity in diversity, the legacy of its history and geography and, according to the guiding principles approved by CEMAT in Hanover in September 2000, an invaluable background for its sustainable spatial development.

The sustainability objectives originally formulated on a global scale (Rio de Janeiro, 1992) must be specifically reflected at other spatial levels. On the European scale, landscape can be instrumental in defining, implementing and monitoring these objectives in order to strengthen them, mainly because the elements of nature form

the foundation of the enormous diversity of landscape. Thus if landscapes change, we can see an alteration in the fundamental processes and factors of European natural diversity. Moreover, systematic introduction of landscape policies, either through their inclusion in spatial planning instruments or by other means, can help to achieve effective implementation of sustainability objectives, since policies for landscape protection, management and planning will lend substance to more abstract or theoretical general ideas in each actual territory.

In order further to improve our knowledge and understanding of the realities, on the European scale we must solve the problems of landscapes of poverty, vulnerability and social exclusion, which are not confined to urban landscapes. Depopulation and ageing, combined with extremely intensive farming of certain agricultural areas and the corresponding mass influx of immigrant labour, are unfortunately in the process of re-establishing dualism and social fragmentation in quite a large number of European rural areas. For a long time, rural and urban poverty in Europe went hand in hand with wretched life spaces. Trends of opinion protested against this phenomenon, proposing decent rehabilitation. This objective was achieved after long efforts and the satisfaction of the most basic food and hygiene requirements. Depopulation, structural unemployment and concentration of immigration are gradually causing landscapes of social marginality to reappear in Europe in a dangerous spiral of decay which is leaving the successes of the latter half of the 20th century in its wake. The return of slums and their correlative, the proliferation of closed and inaccessible areas, would mean a big step backwards for Europe in political, social and cultural terms.

European spatial planning documents have identified large areas of diversity, which they have always associated with landscapes. From the European Regional/Spatial Planning Charter (Torremolinos, 1983) to the Guiding Principles for Sustainable Spatial Development of the European Continent (2000), these distinctions and associations have been enriched and deepened. The initial typology of urban, rural, mountain, coastal, island and transfrontier areas has recently been extended to include valleys, catchment basins and redevelopment areas. Specific spatial planning measures have been proposed for these areas, and the importance of taking into account their individual resources – including cultural landscapes – as the basis for endogenous development has been emphasised.

The latest European documents have studied these large areas in greater depth, developing ideas relating not only to their specificity or their characteristics in a static sense but also to their dynamics and certain phenomena binding them together and allowing new synergies to emerge. Accordingly, we should note the importance attached to the rural-urban relationship with the landscape, which rests on the idea that urban and rural areas (including mountain areas) are open to everybody and are now frequently used by all members of the public. Small and medium-sized cities, either individually or in networks, play an important role in the rural-urban relationship, since they represent a factor of continuity and quality throughout the territory. Urban centres form part of the landscape and focus its

dynamics. In the case of smaller areas (islands) or linear areas (coasts, river valleys), the rural-urban relationship is manifested by a general shortage of space and basic natural resources (soil, water, vegetation, etc.) and by the competition between the different functions. In such conditions, consideration of landscape can offer important opportunities for diversifying lived spaces and must be used to establish restrictive criteria for planning and protection.

As far as urban areas are concerned, the above-mentioned pan-European and EU documents have made polycentrism a spatial development objective to counter the growing accumulation of people and wealth at the centre of the European Union. This objective aims to strengthen urban regions, metropolitan areas and major cities in Europe outside this centre. One of the main features of Europe is the extraordinary multiplicity and wealth of its cities, especially those with a long history. The prestige of these cities is based mainly on their urban landscape and morphology. Although contrary tendencies clearly exist, the compact city takes precedence as the desideratum and most widely accepted model to counter the dispersed city (sprawl).

These ideas have come to supplement and enrich the traditional objective of regionally balanced spatial development, to which considerable effort and resources were devoted in Europe in the second half of the century and which must be maintained. Although the regional funds have not brought about economic convergence on this scale, their ability to improve the average living standard of populations in the poorest regions has been generally recognised. The most recent policies, based on the subsidiarity principle and therefore more heedful of a territory's distinctive features, should also evaluate the impact of structural funds on landscape preservation or improvement by undertaking more detailed monitoring of their effects on a territory's natural and/or cultural heritage. The often-heard criticism of the Common Agricultural Policy (CAP) regarding its effect of homogenising and uniformising European rural landscapes can be countered by laying down environmental and landscape conditions for granting of subsidies. But for this to occur, it is essential to have a rigorous understanding of landscape on the local and regional scales and to develop criteria for action which acknowledge the value of landscape.

Territorial cohesion in Europe requires unitary infrastructure that is able to shorten journey times. The trans-European networks have hitherto been evaluated in terms of their economic effects. They were originally proposed in order to facilitate the single market. Although their effect on landscape has also been striking, virtually no criteria for action have been developed in this field. The proliferation of large-scale infrastructure has consequences for the natural basis of the landscapes affected: changes in the drainage system, movement and displacement of large earth masses, compartmentalisation of life spaces and the mobility of woodland fauna, and the appearance of striking new landscape features accompanied, in a large number of cases, by a negative impact and a proliferation of exogenous, uniform or standardising forms. Consequently, two general criteria for action have

become essential: first, detailed consideration of the local and regional landscapes on which these major networks will have an impact and with which their designs must fit in as much as possible, and second, the need for creativity (abandoning routine and extraneous applications) and the highest degree of technical and aesthetic excellence in the engineering and architectural designs for these major public works.

Thus the existing networks of protected areas at the European scale can be interpreted as a major European infrastructure with multiple functions and as a group of areas marked by a stronger presence of nature, although all very diverse (mountain tops, relatively unspoilt coastal areas, woods, intensive grazing areas, river banks, depopulated islands, etc.), which help to preserve biodiversity and the European environment in general. This aggregation of areas of high natural value can also be regarded as a territorial network, geographically arranged so as to bring nature closer to citizens, as if it were a social facility or public service, in order that they may better understand and enjoy it. These networks would become a continental factor in spatial planning if national and regional networks at every scale or level were combined and had similar objectives. Existing networks of protected areas at the European scale also have considerable landscape significance. First, they enable a rich and extensive “collection” of European natural and cultural landscapes to be established. Second, the relative spatial continuity of these landscapes reflects the natural basis of the diversity characterising Europe. Lastly, curbing the continuing trend away from nature will make it possible to concentrate on restoring the links between European citizens and their natural surroundings.

For decades, pan-European and EU instruments have concerned mainly transfrontier co-operation and, more recently, transregional and transnational co-operation. Spatial planning has played a significant part here owing to its ability to compensate for the lack of links between isolated, or even antagonistic, areas. Transfrontier and transnational co-operation policies offer an extensive set of opportunities for more effective development of spatial planning criteria and measures which view landscape as an important factor. Thus we are seeing numerous joint initiatives by states, regions and local authorities as part of programmes relating to conservation of shared mountain tops, social-awareness campaigns on certain types of landscape, creation of open spaces, introduction of unitary management for international rivers, etc. In these examples, landscape, once again, is spatial evidence or proof of a common natural substratum and appears as a shared design for co-existence.

European institutions have traditionally devoted a large share of their energies to international co-operation beyond EU and European borders. Pan-European landscape measures are now having a certain international impact (we can already see the European Landscape Convention’s influence on American instruments, for example). Europe’s bridge function in relation to Asia, Africa and America will also be reflected in landscape protection, management and planning, either through shared situations or functions (maritime waters; permanent, seasonal

and periodic population movements; woodland fauna migrations; gateway cities; frontier areas), or through exemplary co-operation projects (restoration of historic city centres, infrastructure construction, etc.). In this context, given the current economic situation, the landscapes of the Mediterranean and of Central and Eastern Europe merit special attention.

3.3.2. National and regional scales

European spatial planning on the national and regional scales reveals a wide variety of political situations and of powers (scope and distribution). States are unitary or federal, and regional divisions are always based on different ideas of devolution and division of power. Moreover, there are a large number of European states whose dimensions correspond to the local scale and others which have regions that are as large as some medium-sized states. As regards the distribution of powers for spatial planning and landscape, we again find a wide range of situations, from large states with centralised powers to other much smaller ones where these functions are regionalised. This diversity has led us to consider national and regional scales in the same section (devoted mainly to spatial issues), since they are inevitably connected with the national and sub-national political levels, with which they often coincide.

It is these political levels (in most cases the national level) which guarantee citizens equality of fundamental rights, require similar responsibilities to be given effect in their specific laws, and associate these rights and duties with a physical area by applying the concept of territoriality as mentioned previously. As regards member states of the European Union, we must not forget that spatial planning is not a policy expressly mentioned in Community treaties. Consequently, its landscape quality objectives must in each case be anchored in the corresponding national or regional legal systems.

These scales are also linked to the natural basis of landscape and the principles upon which rests its social recognition, especially those connecting it with identity, cultural heritage, ways of life, and social customs or behaviour. Although the long-standing theoretical debate on the concept of the region has not come to a clear conclusion, Europe's spatial mosaic being so intricate, the concept still best encapsulates the complex relationship between a territory's natural configuration and the cultural substrata created during historical periods in which its inhabitants depended to a greater extent on the physical characteristics of the areas where they lived. The association between landscape and space is part of a long European tradition in a number of scientific disciplines.

The European documents on spatial planning mentioned in this report link spatial planning objectives to political and administrative practice on a regional scale. At this scale we also find specific measures for landscape action in various fields, without prejudice to studies and applications at other scales and/or levels of action. The national and regional scales are therefore suitable for drawing up guidelines

or regional development plans containing mandatory landscape measures and proposals for authorities in general and lower-tier planning instruments in particular.

For an actual geographical area these scales can provide the closest match between cultural models and spatial models, these latter being designed as a synthesis of what actually exists and proposed improvements for the future. Landscape can collate these two aspects, both historically – territory as a remapping or palimpsest retranscribing the way in which it must have been shaped and used at different stages in time, and which can thus be interpreted and understood – and as a life space in the present, reasonably consistent with current needs and desired future scenarios. Inclusion of landscape at various levels of education and improvement of its social recognition play a fundamental role in strengthening the relationship between the cultural model and the spatial model.

When defining spatial models on these scales, consideration of landscape may also be regarded as a valuable technical and scientific resource, mainly because landscape reveals the structural features of a territory (geological units, mesoclimates, drainage systems, etc.) which determine natural processes and uses, especially in historical periods when technical capabilities were not as great as today. Description and interpretation of national and regional landscapes have also helped to reconstruct the causes and processes that produced them, such as property distribution and land use, settlement configuration, formation of communication networks and the location of other features on which spatial planning is substantially based.

Delineation of landscape typologies on national and regional scales must be based on the principal arrangements of a territory's structural features and the main land uses, taking into account its cultural traditions and history. The European typology produced by the European Environment Agency and embodied in the Dobris Report⁸³ can be used as a starting point, thanks to the creation of national and regional landscape atlases. Worthwhile contributions to the subject have been made in a number of European countries. This landscape characterisation must be accorded additional importance on account of its usefulness for spatial planning: the typologies thus produced must become the point of reference for differentiated rules of action for each landscape and these rules must be given legal force by including them in planning instruments.

Planning instruments on national and regional scales may also reflect guidelines or standards drawn up to ensure adequate access to all landscapes. This issue is bound up with regulation of private property rights. In the present context, marked both by a general increase in mobility on certain arterial routes (frequently congested) and by the abandonment or neglect of rural paths and trails, it is important to make access to landscape subject to general regulation and to preserve the public nature of public land and thoroughfares whose neglect could easily lead to their

⁸³ "Europe's environment – The Dobris Assessment", European Environmental Agency, 1995.

privatisation and, consequently, the eclipse of certain landscapes. Furthermore, we must thwart the consistent tendency to convert valuable landscapes into exclusive or reserved areas.

General regulation of landscape visibility is so important that it must also be based on overall standards, since it is bound up with fundamental rights such as property and the right to enjoy certain environmental conditions (light, ventilation). Throughout Europe there are significant precedents along these lines, not only for urban areas but also for other places whose visibility and accessibility have acquired public or strategic value. Their requirements have been implemented thanks to bans on building in certain places, the establishment of preservation belts or limits, as well as the prohibition of signing and interruption of visibility ... Elimination or reduction of visibility raises similar problems to difficulty of access in terms of the perception and social recognition of landscape.

Regulation of those activities with the greatest impact on the landscape can be achieved through a combination of various policies (environmental, heritage, etc.). The siting and spatial compatibility of these activities requires spatial planning instruments. These aspects can be resolved in smaller-scale plans, but some land uses, activities and facilities have such an effect on landscape that guidelines or general standards should be drawn up in order to ensure an equal right to high-quality landscape for all citizens. This applies to, amongst other things, building development, mining activities, electric power plants and telecommunications facilities, which must have siting standards that take account of landscape and are incorporated in laws and spatial planning instruments at national and regional level.

Consideration and general regulation of unsightly activities is equally important. It is common knowledge that EC Directive 85/337 on environmental impact assessment requires landscape to be taken into consideration in the proposed siting of a number of activities. However, this list has not been drawn up on the basis of visual parameters. In the majority of European countries we are currently seeing a proliferation of activities extremely detrimental to landscape which are not on this list (car scrap yards, vast container depots, areas of building waste, etc.) and which call for general rules.

At these scales and political levels it is also possible to govern the creation of landscape trails typical of a landscape's diversity or exceptional character as well as giving some paths, tracks and roads the status of "scenic routes", thus allowing the imposition of certain minimum requirements regarding their alignment, formal characteristics and traffic (speed limits), co-ordinating safety with the possibility of admiring, crossing and making the most of the landscape. Such action can be decisive in increasing the social recognition of landscape and in fact preserving and strengthening it.

Planning instruments on the regional and national scales must also identify and demarcate (with the degree of precision required by the different legislative systems)

landscapes considered to be of general interest at the previously mentioned levels of public action, so as to avoid their being damaged or lost because local interests prevail. These instruments also include establishment of other guidelines which, with regard to landscape in particular, have to be respected and taken into account in plans and schemes on smaller scales and at lower political levels.

Transfrontier landscapes must necessarily be regulated at national level, although local and regional authorities are becoming increasingly involved in their management. This point will be specifically developed in another report, but it is worth stressing here its crucial relationship with spatial planning. In these areas spatial planning has highly important functions with considerable repercussions. There are two main reasons for this: firstly, policies traditionally covering management of transfrontier landscapes can connect areas with no continuity in their long-term functions or uses, and, secondly, landscape in these areas constitutes the basis for linking them together and is formed of features critical to a large number of social practices and activities.

3.3.3. The local scale

On the local scale, landscape in its actual physical conformation and in the way it is apprehended represents a direct day-to-day experience. This scale is paramount for social participation in defining landscape quality objectives and effective consideration of the spatial forms and causes or processes that have produced the landscape. The local scale coincides with the local political level, which may be an individual unit or part of an association depending on the form of territorial co-operation adopted.

In the European area, local planning must be carried out in accordance with general landscape criteria, directives and objectives – such as sustainability, respect for territorial diversity, consideration of common heritage, etc. – stemming from regional, national and international political levels. Otherwise, at the lowest spatial level, town and spatial planning must be based on specific landscape criteria, standards and objectives which all have one thing in common: they achieve the maximum degree of detail in terms of content and procedure.

On this scale it is essential also to remember that in many places landscape is acknowledged as a primary symbol of identity and the main force of attraction or element of recognition for the outside world. A knowledge of the natural or historical causes and processes that have given rise to and explain the specific forms and features of landscape in each place is vital in order to preserve land uses, buildings and other planning options of the past – allowing lessons to be drawn for action in the present – and to understand the effects of changing or getting rid of them.

General principles such as sustainability, preservation of territorial diversity and conservation of common cultural heritage, or other specifically landscape principles such as free access to the land, better visibility, and the formal and

functional integration of landscape features must be given practical expression on this scale. Application of the following general planning criteria could help to achieve this:

- containment and spatial concentration of measures, avoiding unnecessary scattering and proliferation of landscape action;
- allocation of land uses that are not large-scale or do not cover large areas, in order to restrict processes of homogenisation, standardisation or that are inconsistent with the preservation of spatial diversity;
- preservation of free access roads and maintenance of alternative routes to conventional roads and railway lines, such as former drove ways and other rural roads, footpaths, green systems, cycle paths, etc.;
- systematic consideration of topography and visibility elements as a significant factor in routeing infrastructure and siting activities, encouraging social awareness of landscape;

an effort to find minimum-impact locations for those activities most detrimental to landscape quality;

- maximum precision and quality for all proposed measures affecting landscape, with regard not only to the transformations or changes that they will produce but also to the compensating or countervailing measures necessary to correct their impact.

On this scale it is essential to make an inventory of landscape values and conflicts that includes at least the following:

- areas and places of special interest, of landscape value (presence of endangered species, rare ecosystems) or of environmental value (rare or particularly pleasant topoclimates);
- areas or landscape features to which a collective symbolism of a religious, historical or cultural nature has been attached in either past or present;
- urban and rural areas used for outdoor social pursuits (walking, picnics, children's play, etc.);
- the most visible or striking places: these may sometimes be places that can be used to promote greater social recognition of landscape;
- territorial features or phenomena constituting special places or landmarks;
- less visible or more concealed areas, as possible locations for activities with a greater impact on landscape;
- a list of activities and facilities that are badly sited in terms of landscape, in order to change their location or get rid of them.

Analysis and evaluation of landscape, as well as proposals for its conservation or improvement by including it in local planning instruments, require a sufficiently detailed cartographic representation (in general the legislative systems of the various states and regions lay down minimum map scales for local development

plans). This landscape mapping must reflect the following for the whole of the territory under consideration:

- landscape units (understood as areas with a homogeneous physiognomy, reflecting congruous natural processes and uses);
- fields of vision and analysis of the visibility or intervisibility of those areas that are busiest (thoroughfares and corridors) or the most highly regarded socially (recreational, symbolic, etc.);
- heritage ascriptions and social preferences relating to different areas and landscape features;
- consistency of precise siting proposals with the above aspects.

Each of the areas resulting from the division of a planned space may have landscape connotations. Their fragility will be assessed and they will be given specific landscape quality objectives. In addition to other possible characterisations, attributions of fragility and/or quality will depend on the following basic categories of landscape value at least:

- natural state;
- historical nature or heritage value;
- general scenic value;
- significance as a strategic area;
- rarity or exceptional character.

In dense urban areas or population centres, consideration of landscape in the more detailed planning instruments on the local scale should analyse, assess and propose action and measures in relation to the following:

- the centre's overall image, including its silhouette and the formal texture created by the distribution of open space and buildings, paying attention, especially for the latter, to volumes and colour;
- edges and areas of contact between built space and the rest of the territory, paying special attention to the finishings on the rear sections of buildings or temporary installations attached to buildings;
- the busiest gateways or points of access to a population centre and their most representative frontages (seafronts, river banks), providing particularly careful landscaping of these areas;
- maintenance of disused buildings in order to avoid their progressive decay and dereliction;
- consideration of certain urban areas and districts as zones closed to further siting of activities with a landscape impact.

Selection of areas scheduled for future urban growth must take account of their effect on the landscape, both for the pre-existing population centre and for the rural and natural areas within the development zone. They must be precisely delineated

on the basis of stable land features or clearly defined boundaries. It is also important to maintain these prospective urban areas both formally and functionally to prevent their neglect or transformation into rubbish dumps and unsanitary areas. The urban development of these areas must take into consideration the general landscape-planning criteria and objectives already mentioned.

Consideration of the landscape dimension in rural areas could be the key to a genuine improvement of lived spaces, mainly because these areas make up the major part of the territory and also because at present they are often regarded as residual areas or have the negative connotation of “non-developable land”. It would be sufficient to distinguish various landscape units in order to have a well-defined and detailed characterisation that could be taken into account in any conversion or new siting. At present many rural landscapes are in a stage of transition or functional redevelopment and require redevelopment measures, either to adapt forms and structures that are no longer operational or else to preserve them, determine the conditions of their transformation or supplement them with missing elements. At any rate the following, in particular, must be identified:

- the rural plot pattern and its physical boundaries (dry-stone walls, hedges, etc.);
- infrastructure for land containment (terraces, tree or crop protection boundaries, etc.) and for irrigation (wells, irrigation channels, drainage pipes, etc.);
- edges and roadside plantations;
- afforestation of clearings in certain forest areas, on banks of watercourses and on slopes liable to erosion;
- disused rural structures with heritage value (fountains, pillars, sheepfolds, etc.).

It is particularly important in landscape terms to preserve the natural state of the watersheds which close the field of vision in many landscapes and which may be fundamentally altered by the siting of masts or wind turbines. Landscape planning criteria are also necessary for the natural backgrounds formed by hillsides and mountain slopes, which must be treated in keeping with their considerable landscape value, so that agricultural management (reafforestation, firebreaks, etc.) or possible new sitings (of buildings, power lines, new roads, etc.) do not distort their formal texture.

To contribute to landscape management for the territory as a whole, local planning must select areas for strategic action in the light of their objective landscape interest and the effect this action may have on social awareness and responsibility with regard to the landscape. For this purpose, the following areas may be of great value:

- the areas that are most striking on account of their natural qualities or cultural attributes, for example those with precious ecosystems, historical city-centres/ places, etc. Although progress has been made in protecting such areas, there still remain many areas with similar characteristics in Europe for which measures must be taken;

- city outskirts that have become landscapes of vulnerability and social exclusion. These are places where measures to improve the form and facilities of the living space can be decisive in producing a new regenerative compromise between residents and public officials;
- action relating to landscapes that have been damaged or considerably degraded by production-related activities – disused refuse dumps or quarries, derelict and polluted industrial or port areas – very often has far-reaching effects owing to its force of example, to the extent that it increases recognition of landscape in general;
- much-frequented social spaces with inadequate contextualisation or little internal formalisation – rural recreation areas, recreation centres that have sprung up in isolated outlying areas, etc. – in many cases require more careful landscaping, which can also have an important impact in raising the awareness of large sections of the population and especially young people;
- identification and development of scenic routes and viewpoints selected for their clear views and their ability to reveal the wealth and diversity of landscape, as well as – if appropriate and as far as possible – their associations with other social symbols or collective values that increase their scenic value.

Because of their (usually negative) impact on the landscape, advertising and signing merit special attention. Their regulation is generally the responsibility of the local authority, although not always (in the case of main roads, national parks and monuments, etc.). Regulating them in relation to the landscape through local-authority rules and including them in planning instruments can provide a useful overall meaning for activities which are at present sporadic or inadequately conceptualised in local management. Local-authority control of advertising offers the possibility of reconciling the collective right to landscape with regulated use of the landscape for private purposes.

The territorial repercussions of local-authority decisions often reveal serious incongruities of planning in adjacent areas (differences in protection levels, sudden changes in amount of infrastructure, etc.). Landscape highlights these inconsistencies, and it may also represent an opportunity for consultation owing to its value in understanding more general processes and making the best solutions more apparent. Some landscapes shared by local authorities are also interregional and transfrontier landscapes; these present a special opportunity for co-ordination between authorities with the force of example, and for developing bottom-up experiments in a territory that is unique for all the authorities but is also a life space and day-to-day landscape for its inhabitants.

On this scale social participation takes on its full meaning, since citizens are defending immediate interests (individual or collective) and try to avoid direct adverse effects. Experiments in participation relating to a complex and dynamic idea of a space (not only voluntary and creative but also standardised or regulated) are increasingly frequent, since it is as important to define the desired elements

and features of the life space as to develop the means and methods of dialogue and consultation making them possible.

Finally, we must stress the importance of landscape in local development, both directly, as a source of business and employment, and as an indirect factor in an overall positive trend towards a differentiated image which contributes to the objective of achieving an individual identity in the development process. The fact of having a high-quality landscape encourages action by the local community (entrepreneurs, non-governmental organisations, individual citizens, public officials, etc.) for improvement and development. Spatial planning instruments on the local scale (whether issued by one authority or a group of authorities) guarantee the best options and provide the most effective level of responsibility for successfully making landscape a way of achieving sustainable local development.

4. Landscape and innovative tools

Bertrand de Montmollin, expert to the Council of Europe, with the contribution of Annalisa Calcagno Maniglio, representative of Italy during the second Conference of the contracting and signatory states to the European Landscape Convention, Strasbourg, 28-29 November 2002

“To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.”

Article 6 of the European Landscape Convention

Introduction

Because there is no long history of including landscape per se as a factor in spatial management and planning, it is hard to point to established tools and thus to identify – in contrast to these – potentially innovative alternatives. Indeed, the European Landscape Convention is in itself an innovative tool, a point made in the following extract from its preamble affirming the wish “... to provide a new instrument devoted exclusively to the protection, management and planning of all landscapes in Europe”.

At the same time, it would be wrong to claim that landscape planning has received no attention in the past. In most cases, however, the concern has been either to keep a natural landscape intact or to intervene directly in a landscape, shaping it to match a particular vision or concept. Consideration of landscape in its own right and the management and planning of landscape are thus relatively recent phenomena.

It is fair to say that established tools – that is, those used in the past – have certain features in common. They tend to be:

- instruments of the state;
- centralised;
- statutory;
- concerned with “outstanding landscapes”.

By contrast, it is reasonable to suggest that innovative tools should be:

- accessible to ordinary people;
- decentralised (regional or local);
- incentive-based;
- multidisciplinary and integrated;
- concerned with everyday landscape.

As a rule, “established” tools tend to focus on protecting natural landscapes, that is those that show few traces of human activity apart from certain “traditional” types of farming with little or no mechanisation. They are also concerned, albeit more on an ad hoc basis, with historic monuments and architectural sites and with cultural landscapes.

The fact is, however, that a large section of Europe’s population lives and works in conurbations, for which only a very few management and planning tools currently

exist. Innovative tools should therefore be applicable first and foremost to everyday landscapes, most of which are:

- urban;
- suburban;
- low-rise;
- commercial;
- industrial;
- of tourist interest;
- characterised by infrastructure.

Given the diversity of landscape and of political and administrative systems in Europe, we cannot point to a single type of tool that is universally applicable. Innovative instruments that may be developed for purposes of implementing the convention must therefore be adapted, or be capable of adaptation, to suit:

- different types of landscape;
- different regions;
- different political and administrative systems;
- different levels of action.

On that basis, it was felt that the first priority should be to develop two categories of tool:

- agreement-based tools;
- integration of landscape considerations into other policies.

The idea of integrating landscape considerations into policies for all sectors that directly or indirectly affect landscape is innovative in itself.⁸⁴ Entirely consistently with the concept of landscape established under the convention, an integrated policy demands a multidisciplinary or, indeed, holistic approach to landscape and hence also to each national landscape policy. Moreover, every innovative tool necessarily depends on other approaches to landscape, in particular landscape research, information and training, the last two of these involving emotional understanding of landscape. Therefore the most important goal – already innovative in itself – is probably that of an integrated landscape policy.

This integrated policy would have to take account of three aspects:

- the horizontal aspect, involving all sectoral policies that have a direct or indirect impact on landscape;
- the vertical aspect, which derives from the principle of subsidiarity. It incorporates and combines the landscape policies of all tiers of government in a genuine policy strategy stretching from central or federal government through any constituent states to regions and local authorities;

⁸⁴. Article 5.d of the European Landscape Convention.

– the “cross-sectional” aspect, reflecting the reality that the problems of an increasingly complex world involve new players such as private, non-governmental or semi-governmental organisations and bodies as well as more spontaneous groupings. The fact that the number and range of players is growing has begun to have an increasing impact on the development of modern civil society. At the same time, the ideas and activities of these new groups offer huge innovative and creative potential.

4.1. Presentation of experiences

The tools for protecting, managing and planning landscape referred to in the European Landscape Convention must apply to the Parties’ entire territory and must cover all aspects of landscape in natural, rural, urban and peri-urban areas. They will be concerned with both outstanding landscapes and ordinary or degraded landscapes, and will address the cultural and man-made aspects of landscape as well, of course, as its natural aspects.

Because all landscapes affect people’s ways of life and express the diversity of their natural and cultural heritage, they must be covered – at national, regional and local levels – by a landscape policy for the entire national territory, a policy on which to base themes, measures and strategic principles for guiding landscape protection, management and planning.

Despite the important clarifying function of the convention, insufficient attention is still paid to the changing nature of landscape and too little account is taken of the pressures that cause it to change: yet what is needed is a thoroughgoing interpretation of the way that different factors come together in landscape, and of all the multidisciplinary information about its historical, cultural, ecological and environmental character, the way that it is perceived visually and the way that man’s presence has marked it. What is still lacking is general awareness, new, informed types of behaviour and a sharing of social responsibilities with regard to activities and developments that affect landscape.

In order to implement the provisions of the European Landscape Convention a basic programme must be designed to support the study and evaluation tools needed for governing landscape and for different protection, management and planning activities. It is also important to identify the specific tasks and sectors covered by the various plans and policies that have an impact on the land – that is, to pinpoint where intervention is appropriate.

To achieve effective community participation in choices about landscape, and to open up and define a broad field of cognitive research for administrators and planners, there is a need to provide training in landscape-related skills in order to be able to recognise both events and phenomena that are not apparent to everyone and may be hard to discern: for example, the reciprocal relationships and influences (direct or indirect) between one landscape change and another, and not merely

those changes that affect cultural heritage or the various types of degradation and modification of natural resources.

The only way to conserve, manage, plan and generate landscape as a whole – including urban and suburban landscapes, farmed areas and areas characterised by infrastructure – is through adequate spatial planning initiatives. Such initiatives are concerned simultaneously with land, environment and landscape and with the different economic, social and administrative factors that directly or indirectly influence the utilisation, structure and qualities of the natural and cultural environment.

The experiences below are taken from the presentations made during the first meeting of the Workshops for the implementation of the European Landscape Convention which took place in Strasbourg on 23-24 May 2002.⁸⁵

4.1.1. The experience of Switzerland

a. Integration of landscape policies into sectoral policies: the example of the Swiss Landscape Concept

The basic principle of the Swiss Landscape Concept (CPS) is illustrated by its slogan “Partners for Landscape”. The aim is to foster dialogue between landscape users and nature and landscape conservationists in the context of implementation of public policies by the relevant authorities.

A Swiss government order issued in 1997 requires the federal authorities responsible for 13 policy areas that have an impact on spatial planning, and hence on the landscape, to take account of objectives and landscape measures specific to each policy area. These objectives and measures were negotiated in close co-operation between the Swiss Federal Office for the Environment, Forests and Landscape and the federal government departments and agencies responsible for the various policies. They are based on a system of strategic aims for the management of nature and landscape, taking account of the three pillars of sustainable development.

b. The participatory approach – the example of landscape development plans

Landscape development plans outline the desired development objectives for given landscapes on the basis of scenarios worked out in close co-operation by all interested parties. They therefore involve a comprehensive approach to landscape. The key feature of landscape development plans is the bottom-up process through which they are devised. The aim here is to bring together all the players who actively influence the area concerned, along with the people who live there and other representatives of public and private interests. The discussions are chaired by

⁸⁵ *First meeting of the Workshops for the implementation of the European Landscape Convention, Proceedings*, Strasbourg, 23-24 May 2002, Council of Europe Publishing, European spatial planning and landscape series, 2006, No. 74.

professionals who have no personal ties in the area, thus assuring the quality and effectiveness of the process. Having a landscape development plan can be most useful when it comes to defining criteria, or indeed priorities, for implementing specific policies at local level, for instance with regard to how limited public funding can be allocated (in particular, direct payments under the legislation on agriculture).

c. Financial tools – funding policies and the Swiss Landscape Fund model

Funding grants are among the most important tools available to government. In Switzerland they account for over 60% of the expenditure budgeted for by the Confederation, broken down into hundreds of widely varying fields and interacting closely with a host of other policy instruments. Maintaining the coherence of the system is therefore a highly ambitious undertaking: it requires tools for checking consistency between policies in the various sectors and the arrangements for implementing them. This objective can be achieved more easily if the relevant authority takes account of the know-how of specialist environment agencies in each specific case. However, the instruments available must be supplemented with new financial incentive tools for active management geared towards sustainable landscape development.

The Swiss Landscape Fund⁸⁶ is involved in conserving, maintaining and restoring traditional rural landscapes and their natural habitats. It can make financial contributions to information and training activities. It becomes involved only when no other body can help, for instance because of a lack of funds or because of legal hurdles. The funding provided can take the form of non-repayable grants or interest-free loans. The beneficiaries can be private individuals, associations or foundations, as well as municipalities and regions. The Fund provides financial incentives for individual and voluntary initiatives to enhance the landscape. This increases local and regional bodies' willingness to take initiatives themselves. It also fosters synergy between farming, tourism, the construction sector and traditional crafts and trades. Through its financial assistance, the Landscape Fund provides welcome regional economic aid that helps create employment in disadvantaged areas. The funding often has a snowball effect and encourages investors to put much larger sums of money into the regions concerned.

4.1.2. The experience of Italy

a. The Region of Liguria and application of the European Landscape Convention through the Regional Territorial Plan (PTR)

In Italy, the Region of Liguria has a long tradition of landscape-related measures: in 1986, under national legislation, it produced a Provincial Territorial Co-ordination Plan (PTCP) – approved in 1990 – setting out guidelines for the conservation and

86. See www.flis-sfp.ch.

management of the entire region. This was the first framework of reference in relation to the qualities and value of the landscape. The plan provided a complete set of maps of the region in electronic form for use by professionals. On the basis of the Agreement of 16 April 2001 between central government and the regions, the Region of Liguria will apply the European Landscape Convention in its Regional Territorial Plan (PTR), which is currently being drafted: landscape will thus become a key factor to be considered in all proposed initiatives, and a focus for sustainable development strategies.

The starting point is the thorough documentation of the region, including specifically its landscapes, highlighting the different identities and characteristics of each type of landscape and, at the same time, the major changes that are taking place.

Alongside the process of detailing landscape characteristics, factors are being identified that will shape landscape quality objectives in order to determine not only the relevant types of landscape protection, development, reclassification and transformation, but also the ways in which these will take effect, using tools to make the connection between existing resources and the potential for initiatives (that is, structured guidelines for drafting landscape agreements, preparing integrated projects etc.).

In a Quadro descrittivo,⁸⁷ the Region of Liguria highlights current types of innovative project and project potential as well as new methods of development forecasting (plans and projections by private associations and consortia, community representatives etc.), which will become functional models that can be copied, or co-ordinated in a system or network – particularly useful for the least developed communities in depopulated or inland areas of the region.

The PTR will cover the entire territory, detailing the features and qualities of its different landscapes, with structured guidelines based on landscape quality objectives; it will also indicate those projects that are to receive substantial support from the Region in terms of help with funding, participation in projects etc.

The PTR will take an entirely innovative approach and will propose arrangements for carrying out various measures, working through integrated processes to achieve direct implementation at local level.

The Region of Liguria has already taken certain types of initiative on landscape, paying particular attention to landscape-related expertise: such initiatives range from coastal rehabilitation plans and beach “back-filling” schemes to a plan for relocating the railway that follows the coast and finding a new use for the line (PRUSTT Ferrovie del Ponente) – with publication of a call for tenders, seeking specific expertise in landscape architecture.

87. See www.regione.liguria.it.

b. The “Parco delle Cinque Terre” plan

This area is a coastal strip, known as Cinque Terre and situated in eastern Liguria near La Spezia, characterised by its steep gradient – basically the land rises from sea level to the mountain watershed at an altitude of 450/500 metres – and virtually entirely terraced with low dry-stone walls (forming a succession of parallel lines, with lanes and drainage ditches) that were built to accommodate vine growing on the precipitous slopes. Human activity is a powerful defining feature of this landscape. In fact, over the centuries, the landscape has been completely transformed by man with the development of a maritime trade in wine from five historic villages inhabited by seafarers. In recent years the extremely high costs of cultivating the vineyards and the changed pattern of rural life have led to a sharp reduction in the area under vines, with severe consequences for the hydro-geological balance of the region and the quality of its landscape.

This important landscape heritage has been conserved because the area has become a natural park and the plan for its development (which has produced highly interesting results after only a few years) links the hydro-geological rehabilitation of large tracts of land with the revitalisation of productive agriculture, the utilisation of historic techniques (in the rehabilitation process) and a general effort to foster new awareness of the area.

This is a significant example of local measures and initiatives being integrated in a courageous and intelligent way to protect an economic resource and a remarkable cultural identity: it entails comprehensive, integrated management and a collective effort involving everyone living in the area (the project has been carried out in consultation with the local authority and farmers), promoting a resumption in agricultural activity and building on the quality of the wines, the landscape and environment.

c. The “Chianti Fiorentino” outline landscape protection plan

In Chianti Fiorentino 1 300 hectares – less than 6% of the total – are still cultivated under a share-farming system; much of this area is planted with olive trees and it is divided into 13 tracts of land ranging in size from 40 to 160 hectares.

These tracts contain 150 km of dry-stone walls, more than 40 km of uncultivated boundary strips (cigliani) and several kilometres of drainage channels (acquidocci) in widely varying states of preservation, with 60 to 70% of them highly fragile or disintegrated. The project aims to improve cultivation and to offer the possibility of changing the agricultural irrigation system where the nature of the terrain and the type of farming permits.

Except in very rare cases, once share farming has ceased, preserving the landscape as it was fifty years ago becomes unthinkable. On the other hand, it is possible to salvage and usefully improve certain environmental systems which have retained their own intrinsic value and also give the landscape its aesthetic character. The most important of these complex systems is the irrigation and drainage system

which, broadly speaking, has permitted the survival of sections of the share-farming landscape and defines its remaining features.

Revitalising this system and getting it working again means that local farmers will have to bear the very high and unevenly distributed costs of rehabilitation and maintenance; at the same time, the preference of the relevant public authority is to focus grant aid on the improvement of agricultural production.

Saving those features of the landscape that are salvageable, particularly the system of drainage and surface-water control, means encouraging and prioritising forms of production that can use the traditional landscape as a resource, that is, effectively utilise the terrace system, the dry-stone walls and the drains and run-off channels that are still recoverable.

To summarise, the proposed strategy is based on the following straightforward observation: if local producers in a share-farming area are marketing products that can be produced to a similar level of quality anywhere in Chianti, the particular configuration of the landscape will merely represent an additional cost; if, on the other hand, the share-farming landscape can be factored in as a resource – that is, a basic element in product quality – then the costs can be at least partially recouped through the price.

There is a good example of this in the Lamole area where, on certain small tracts of land, vines are still grown “ad alberello”: this is an ancient form of cultivation that is most productive at high altitudes (500-600 metres) and depends on the classic share-farming structure for optimum effectiveness, both because the drainage system is more efficient and because the dry-stone walls function like radiators, releasing overnight the accumulated heat of the day and generally helping the grapes to ripen in what is a relatively cold climate. The production costs of “ad alberello” wine growing thus include the costs of protecting and managing the landscape and this is reflected in superior product quality.

d. Landscape workshops: an important tool for application of the European Landscape Convention

In the context of activities under the Interreg IIC Mediterranean and Latin Alps landscape project, the Centro Studi Pan, project co-ordinator for the Region of Calabria, set up a Regional Landscape Workshop in the Protoconvento Francese in Castrovillari, within Pollino National Park. Preparatory work began in 1999 and studies and research were being carried out at the same time as the Council of Europe was drawing up the European Landscape Convention.

The Regional Landscape Workshop aims to provide:

- a documentation centre and database on landscape characteristics and quality;
- a landscape change observatory;
- a forum on social perceptions of landscape and shared responsibilities for it;

- a laboratory for the creation of new landscapes;
- a training and information base for local communities, particularly students, administrators, technical staff, etc.

The workshop is equipped with a mapping station (computer, plotter, GIS, etc.); a themed electronic library; and a computerised database on historic and current representations of landscape (this project is ongoing).

The structure of the Regional Landscape Workshop and its document acquisition programme have facilitated the following activities:

- research into social perceptions of landscape using a sample population in Pollino National Park;
- compilation of a literary anthology containing the work of writers and travellers who have described the landscape of Pollino National Park at different times;
- production of several themed maps showing how the landscape has changed since the Second World War;
- preparation of seven monographs on the transformation of urban and rural landscape.

A number of meetings have also been organised to publicise and share the Regional Workshop's specialist acquisitions and to relay current European-level debate about landscape.

During the 2001-2002 academic year the Regional Landscape Workshop also ran its first course in landscape education, at Castrovillari technical high school, an initiative warmly received by both teachers and students. The experiment will be repeated and extended in the forthcoming academic year, embracing other secondary-level establishments (a traditional senior high school, an institute of surveying and an institute for hotel studies). The main aim of the course is to give the students a sense of belonging to the environment in which they live and of re-appropriating a territory. The Coscile river valley was selected as a site for research because of the socio-economic changes experienced there after the Second World War. The valley is now entirely deserted and certain sections of it have been turned into open rubbish tips. The Ialo-Arbreshe Community of Mountain Municipalities in Pollino took the decision to fund a joint project designed by the students and the Regional Landscape Workshop and involving parents and senior citizens who still use the riverbanks.

The establishment of the Regional Landscape Workshop has been followed with interest by landscape experts and there have been numerous requests for information about its various activities and how they have been organised.

4.1.3. The experience of Slovenia: Spatial planning and sustainable development in Slovenia

The Slovenian Spatial Management Policy (2001) is a long-term document which denotes the achieved degree of consensus on the essential spatial management objectives. Together with the Slovenian Economic Development Strategy and the Slovenian Regional Development Strategy, it is the basic policy document for guiding national development.

The Policy represents a framework for co-ordination of sectoral spatial development policies, reform of the spatial management system, and at the same time it is also the basis for preparing the Spatial Development Concept of Slovenia.

The new Spatial Planning Act proposal, in preparation during 2002, will introduce a number of novelties in landscape planning. An essential novelty, for instance, is that a regional planning level is introduced, and the landscape and landscape planning instruments are made equal to other spatial systems in the overall spatial planning system.

Slovenia is also implementing new approaches to spatial planning at the national level through the preparation of the Spatial Development Strategy of Slovenia during 2002. A constituent part of the Spatial Development Strategy of Slovenia is the concept of spatial development of the landscape system. It represents the “national landscape plan” defining the values of Slovenian landscapes, binding Slovenia to concern for the conservation of nature and the conservation of cultural landscape heritage, proposing sustainable use of landscape potential, and it is based on our conception of what we wish to achieve in the landscape space in the future. The National Spatial Plan imposes obligations on actors in landscape space, provides guidelines for their activities, and offers opportunities for development, complying with nature and with people’s expectations.

In 1999, during the preparation of the amendments of the National Spatial Plan, and particularly during the preparation of the new Spatial Plan of Slovenia – the Spatial Development Strategy of Slovenia – we therefore tried to go beyond the sectoral treatment of landscape. We defined various landscape areas as well as guidelines for their protection and development. These guidelines represent a starting point for planning at lower levels and for the implementation of sectoral policies. Consequently, the regional level should prepare regional spatial development concepts, while the local authority level should prepare landscape concepts, which should apply uniform treatment to the entire area irrespective of its administrative boundaries.

4.1.4. The experience of the United Kingdom: Aspects of landscape characterisation and assessment in the UK

UK work is underpinned by ideas such as those of Sustaining the Historic Environment, a pathfinding English Heritage document published in 1997 that explored many of the “new” ideas about public participation, inclusion, multiple values and sustainability that in England are now embedded in UK government policy for the historic environment.⁸⁸

UK work on landscape characterisation has many interrelated aims, including:

- to understand the landscape and its character better, both in terms of natural and cultural values, and in terms of its present-day character and its historic and archaeological dimensions;
- to engage public interest in landscape as part of environmental health and quality of life, and to provide frameworks for incorporating democratic, community and personal views of landscape;
- to use the concept of “landscape” to integrate and connect together all types of environmental (natural and cultural) heritage as an integrated contribution to sustainability;
- to use a clear and inclusive appreciation and perception of landscape to influence decisions on shaping the future of the landscape and managing change to it.

There has been interest in landscape assessment in the UK since at least the 1970s and “modern” methods appeared during the 1980s. During the 1990s, there has been a growth of interest in “characterisation”, a word used to denote a broad and generalised understanding and appreciation of the overall character and significance of the environment or heritage of an area, preferably at landscape scale. Characterisation tries to take into account multiple ways of valuing, in order to help manage change. It goes beyond the selective designation of special places in giving some value and significance to all places everywhere, but it supports designations where they are necessary.

4.2. Towards the development of innovative tools

The social aspect of landscape is currently more important than ever before. In order to understand and develop this aspect we need to work in multidisciplinary ways and to pursue in depth new areas of research, education and professional activity.

⁸⁸. *A Force for our Future*; DEFRA/DCMS 2001; www.culture.gov.uk/heritage.

The development of innovative tools should allow the following objectives to be addressed:

A. Participatory tools	A1. To facilitate community input to and participation in the protection, management and planning of landscape
	A2. To work at local level helping communities to identify and understand the characteristics, value and vulnerability of the landscapes in which they live, and to express their aspirations
B. Cross-sectional tools	B1. To integrate landscape into the various spheres of administrative activity
	B2. To take landscape into account as a factor that cuts across various public policies for land use
	B3. To develop holistic approaches to landscape
	B4. To integrate the cultural and natural heritages
	B5. To take account of landscape in biodiversity conservation areas
C. Tools for awareness raising and training	C1. To inform and train the various groups and agencies concerned with landscape about the interdisciplinary and specific nature of the problems associated with it
	C2. To inform and train politicians and civil servants
	C3. To inform and train local authorities and administrations
	C4. To inform and educate children about landscape
	C5. To educate communities about landscape
	C6. To understand, identify, describe and prioritise landscapes
	C7. To promote university courses in landscape management and planning
	C8. To raise awareness in the tourist trade about the importance of preserving and promoting the natural and cultural landscape
D. Incentive-based tools	D1. To put the emphasis on incentives and restrict prohibitions
	D2. To develop agreement-based tools
	D3. To use farm subsidies to improve landscape quality
	D4. To encourage traditional types of farming
E. Statutory and regulatory tools	E1. To integrate landscape protection and planning into national spatial development plans
	E2. To improve legislation on landscape
F. “Technical” tools	F1. To assess and demonstrate the economic importance of landscape
	F2. To set up landscape observatories to monitor changes and evaluate intervention in landscapes
	F3. To improve the quality of landscape in peri-urban, industrial and commercial areas
	F4. To develop techniques for rehabilitating degraded landscapes
	F5. To exchange experiences and methods between countries in different parts of Europe

Much is expected in terms of the development and dissemination of “innovative” tools for landscape protection, management and planning.

A wide variety of experiments on different themes had been carried out in different regions. Yet only a few have resulted in the development of tools automatically transposable to other contexts. In fact it is misleading to imagine that “standardised” tools can be developed and disseminated, particularly given that concerns, expectations and circumstances differ widely, especially between the countries of Eastern Europe and those of Western and Southern Europe.

It is interesting to note how many examples were cited involving the conservation and management of vine-growing landscapes in Southern Europe – illustrating the importance of taking nature, culture and agriculture/viticulture into account together. The situation is very different in Eastern Europe, where agricultural landscapes are dominated by intensive farming, which leaves its own imprint on the countryside although its cultural and natural aspects have not yet received consideration.

On the other hand – and despite considerable expectations – there were very few examples from certain types of landscape, notably in urban and industrial areas and areas in transition.

In terms of moving forward, two directions now suggest themselves:

– compilation of a compendium of “good landscape practice”. This could take the form of a collection of notes on specific topics, detailing the various experiments carried out and tools developed in the different European regions, with a view to promoting exchanges between groups and agencies concerned with landscape. It could be presented as a folder (and/or its web-based equivalent) containing brief descriptions of each tool or experiment with details of how to contact the authors. It could thus be added to without difficulty and could foster contacts and networking between persons and agencies involved in landscape;

– incentives to develop innovative tools. The development of innovative tools – particularly in areas where there has so far been little experimentation – should be encouraged under the convention, for example by setting up ad hoc working groups with input from universities and colleges.

The following themes could be prioritised:

- suburban, industrial and changing landscapes;
- integrating landscape into other policy areas;
- tools for community involvement in the approach to landscape;
- tools for use by local authorities or non-governmental organisations.

It could be useful in the framework of the convention to develop and apply the following sorts of innovative tools.

Tools for integrating landscape into sectoral policies

National and regional sectoral policies often have direct or indirect effects on the landscape, whether or not these are formally recognised or taken into account. It would therefore be advisable to develop instruments providing for a transversal approach to landscape through such sectoral policies. An integrated landscape policy, tested by a department with specialist experience in this field, would help to ensure that landscape was taken into consideration in all aspects of planning.

Guidelines for drawing up integrated landscape policies, in accordance with the convention, could be prepared on the basis of current experience in a number of European countries.

Indicative instruments

Landscape protection, management and development cannot be governed solely by legislation and regulations. It is more important to establish incentives to achieve the specified objectives. Such incentives are mainly financial and extend to various sectors of the economy. Such indicative instruments may be direct – subsidies to support landscape-friendly agriculture, labels for products from regions that have taken special steps to protect the landscape and so on – or indirect – subsidies for landscape-friendly investment, tax rebates for companies that protect the landscape, etc.

Many European countries have developed and introduced such measures. From the standpoint of the convention, there is much to be said for collating and assessing information on them, which can then be presented either individually or in a manual of good practice.

5. Landscape and identification, assessment and quality objectives

Yves Luginbühl, expert to the Council of Europe

“ C. Identification and assessment

1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:

a.i) to identify its own landscapes throughout its territory;

ii) to analyse their characteristics and the forces and pressures transforming them;

iii) to take note of changes;

b. to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the local population concerned.

2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8.

D. Landscape quality objectives

Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.”

Article 6 of the European Landscape Convention

Introduction

This report presents the political framework within which the implementation of the European Landscape Convention is being applied and cites the thoughts that have been put forward regarding terms of landscape identification and assessment, and the formulation of landscape quality objectives. Natural and cultural resources are only two of many themes that affect this and bring together factors of proposed and existing methods for the implementation of the convention, regarding these landscape identification and assessment objectives, and the formulation of landscape quality objectives.

5.1. Identifying and assessing landscapes, and formulating landscape quality objectives: a new political framework

For some decades now, the identification and assessment of landscapes and the formulation of landscape quality objectives have been included among the tasks that public authorities have set themselves within the framework of landscape protection policies and, more recently, within the framework of land management policies. The European Landscape Convention nevertheless ushers in a new political context. This latter, which is defined by the major principles by which the Council of Europe abides, actually specifies that these tasks must be assumed on the one hand within the context of the exercise of democracy and, on the other, that they must contribute to sustainable development, in other words, to long-term reproduction and to access to, and a fair share of, natural resources.

Henceforth, identifying and assessing landscapes and formulating landscape quality objectives can no longer be carried out using methods that were current when it was considered that the landscapes involved were outstanding and extremely picturesque ones. These days, the challenge is quite different: the European Landscape Convention lays down quite clearly, in its area of application,⁸⁹ that it applies to “the entire territory [of the Parties] and covers natural, rural, urban and peri-urban areas. It includes land, inland waters and marine areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.” So all types of landscapes are concerned, be they outstanding or everyday landscapes with local populations, landscapes in which local people live their daily lives and make their daily movements, or which they alter through their activities.

Furthermore, the exercise of democracy integrates both landscape identification and assessment methods, and the formulation of landscape quality objectives, in

⁸⁹. Article 2 of the European Landscape Convention.

so far as it is now an established fact that not all landscapes encompass the same significance for one and all, and that each landscape has different values attributed to it by groups of people who do not have the same aspirations; involved here is a crucial challenge which presupposes both the acceptance of differences, and the fact of lending a ready ear to others with regard to what is special and what is commonplace.

In other respects, the need to include the implementation of the Convention within the framework of sustainable development has consequences in terms of the skills and knowledge that must be brought in. It is no longer just a matter of producing knowledge which has to do solely with landscape forms – as was long the case – and then applying it to programmes, but also of putting together the various factors for understanding the social, cultural, economic and ecological functioning of landscapes, and thus grouping together what makes it possible to grasp the complexity of the processes that go towards their creation, so as to make them available to forms of political action and programmes, that is, landscape protection, management and planning. Here, though, there must be no question of confusing the way the landscape works with the way ecological and environmental processes work. The landscape is here understood in the sense of the definition given by the European Landscape Convention in Article 1, namely “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”. So the landscape is here akin to the living environment, but cannot be altogether likened to it. Landscape identification and assessment methods will thus definitely take ecological processes into account, as well as the social, cultural and economic processes which are part and parcel of their production and their development, and are part of the way they are perceived.

Following these preliminary remarks, we must now specify what we mean by landscape identification and assessment, and by the preparation of landscape quality objectives, natural resources, and cultural resources – terms which all feature in the actual wording of the report’s title.

5.1.1. Identification

Identifying an object means specifying its distinctive features. Identifying landscapes thus means embarking on an operation consisting in observing and examining them with a view to defining them through all their diverse distinctive features. The first task to be addressed thus consists in defining the contours and specifying the internal features of the different types of landscapes, and characterising them both in the present state of their identification and in their dynamics, that is, by specifying the evolutionary processes affecting them. Hitherto, this work has been carried out on the basis of classic geographical criteria founded on an analysis of homogeneous characteristics and helping to affirm that the space presenting identical features in aspect, form and composition supported a certain type of landscape. But for the past 20 years or so, research has innovated and developed new identification and assessment criteria, which have been tried and tested in

different experiments, and have shown their operational nature. Research has actually promoted the multiplicity of meaning of the term landscape, which means it is no longer possible to stay within a sole method of landscape identification and characterisation – other methods have to be applied. The European Landscape Convention, in its various principles and guidelines, implements these different criteria, in terms of the recognition of specific cultures in the European regions and the necessary participation of the local populations concerned.

The second issue raised is that of scale. It is admitted that landscapes can be examined on several scales: some countries have drawn up landscape maps on the scale of their national territory, but it is just as possible to identify landscapes on the scale of a smaller territory, a commune or village, for example. Methods may still be founded on identical principles, but the accuracy required will not be the same and the larger the scale (and so the smaller the territory), the more demanding the accuracy will be; in particular, the more knowledge of the values attributed by local populations concerned is essential to take into account the challenges of managing the territory under consideration.

The third issue involves the skills of the “operators”, that is, of the people involved, whose task is to proceed to make this identification. If, ordinarily, these “operators” are essentially specialists carrying out these tasks of identification, the European Landscape Convention points out that the local populations concerned must take part in all the tasks involved by its implementation. So it is important that these local populations concerned now take part in this task of landscape identification, which may give them a better grip on the landscape definitions and descriptions to be drawn up, because they will be able to recognise themselves therein.

5.1.2. Assessment

The assessment issue is being hotly debated by the scientific community involved in landscape study. It has to do with the arguable value attributable to a landscape, which depends essentially on the status of the people defining this value. It is above all the aesthetic value which is at issue, and this may vary depending on the social position of the people involved. The debate is now different, because, as has been pointed out above, it is admitted that the value of a landscape may depend on individuals, and the issue has now changed, in passing, from that of an intrinsic landscape value to that of a relative value in relation to the individuals concerned. It is nowadays admitted that it is important to specify the identity of the people asserting the value of a landscape.

For some, it is possible to get around this issue by likening the assessment of a landscape to a definition of its features. This position means that a landscape has no value in itself, but that it is the features of a landscape which help to assess it. Through this position it is possible to avoid the hierarchy of landscapes which obviously poses a tricky problem arising from the subjectivity of the judgment. Among the various people holding to this position, some advocate the idea

that the assessment of a landscape can be set forth depending on the degree of transformation it is undergoing or the degree of transformational pressure to which it is exposed. This degree is tantamount to a form of hierarchy which is established and ranges from the most stable landscape to the most transformed landscape, starting from an initial state, which is the state noted during observation. This position culminates in a qualitative landscape classification: stable landscape, landscape subject to low-level pressure, landscape subject to high-level pressure. Needless to say, this method comes up against the problem of attributing a value to these three states, which actually depend on value judgments, because it is in fact possible to reckon that a landscape subject to high-level pressure is in the process of degradation. This brings us back to the initial question. It would seem in any event that the position of those taking part in the workshops is oriented towards the refusal of both a landscape hierarchy or a ranking between different landscapes. It is on the basis of knowledge of the value or values attributed by the people concerned and in particular by local people, that the assessment can be established, whatever the method used.

Finally, it emerged during the workshop discussions that the assessment of a landscape is only possible through the definition of its values and not of its value – positions which are actually very different. A landscape may in fact be attributed several values or several types of values: utilitarian values, aesthetic values, symbolic values, etc., attributed in different ways depending on the people or groups of people involved. For example, one and the same agrarian landscape may offer utilitarian and symbolic values for a group of farmers and aesthetic values for a group of non-farmers. The assessment of a landscape is thus regarded as a complex process, in which a set of values is compared, brought together and complemented, and the task whose aim is to define the quality of a landscape accordingly consists in giving perspective to these differential values attributed by this or that group of people, in relation to the challenges posed by its transformation.

5.1.3. Landscape quality objectives

The explanatory report of the European Landscape Convention posits that a “landscape quality objective consists, for a specific landscape, once it has been identified and assessed, in precisely listing the features which the local people concerned wish to see recognised for their living environment”.

It specifies, furthermore, that the parties are required to “set quality objectives for the landscapes which have been identified and evaluated, and in doing so to consult the population concerned. Before any measure is taken for the protection, management and planning of a landscape, it is essential to make clear to the public what objectives are being pursued. These objectives should be laid down, explained and announced by the competent authority concerned after the general public and all relevant interests have been consulted. The objectives may be set within the more general framework of a policy conducted by the territorial or central

authorities concerned. The decision setting the objectives should state clearly the special features and qualities of the landscape concerned, the general thrust of the policy for that landscape, and the specific components of the landscape to which protection, management or planning will apply. It should then say by what means the objectives are to be achieved.”

So the formulation of landscape quality objectives is a complicated task which represents a decisive moment in the shift from mobilising knowledge to acting upon it. Its purpose is both to foresee and anticipate the future in the long term by consulting the local people concerned.

It seems then that:

- the formulation of landscape quality objectives has to be seen in a context of the knowledge of the facts, in other words of the dynamics underway which transform landscapes;
- this formulation can only be achieved with a determination and concern to plan for coherence between what a future landscape will be and a system of values attributed to landscapes and that this coherence must nevertheless embrace developments which this value system will certainly undergo;
- the action must be incorporated within the principle of social equity, which is to say that there must be access to, and socially shared use of, natural and cultural resources.

5.1.4. Cultural and natural resources

Depending on the countries, cultural and natural resources can or can not be dissociated. They are presented separately below, bearing in mind that natural resources can also be considered as cultural resources due to the symbolic or aesthetic value that societies attribute to them.

a. Cultural resources

It is crucial to remember that cultural resources are not solely landscape factors which are ordinarily the object of shared social recognition and which have often been protected by virtue of this value, such as civil, religious and military monuments. In the various European countries, the meaning attributed to these resources as cultural heritage has actually spread to other factors which help to map out the lines of national and local cultures, material and immaterial alike. It is thus important to identify them in the landscape identification and assessment phase in order to include them as basic factors to be incorporated in active measures. Local cultures have a special interest here, in so far as landscape quality objectives embrace the aspirations of the local people concerned.

These factors might also include material elements represented by vernacular constructions, or those not involving habitat, agricultural use, industrial or artisanal use, communicational use, and even those various uses combined in one and the

same building. We might also take into account non-material factors such as areas of local expertise, specific techniques used in productive activities, certain beliefs, etc., which have taken shape in the landscape.

b. Natural resources

Just as for cultural resources, the discussions at the meetings referred to did not specifically broach the issue of defining natural resources, which would seem to be even better defined than their cultural counterparts. The basic issue raised with regard to natural resources has to do with their reproducibility. The need for sustainable development actually means that decisions about actions and programmes, in other words about landscape management, protection, and planning, must be able to guarantee the long-term reproduction of their natural resources for future use, even if this is only hypothetical. A resource that is not being used at a given period, and in particular when landscape identification and assessment studies are not being carried out and when landscape quality objectives are not being formulated, may subsequently be of interest for a future period which society does not yet know about. It is thus important not to overlook those natural resources which, to all appearances, at the moment when decisions are being made, do not have any evident economic, symbolic or cultural use, and it is also necessary to raise the issue of their importance for the future. It goes without saying that this future use cannot be envisaged with any certainty, but it is essential to treat it hypothetically.

The second major issue raised by a consideration of natural resources has to do with equitable access and division. All objectives must thus take a close look at the conditions in which the various social groups making up the local population have access to and can share these natural resources, for individual and/or collective uses. Water comes to mind, as do soil and mineral resources and flora and fauna, resources whose rational and economic use contributes to the make-up of landscapes and to the living environment and well-being of local people.

To sum up, contributing to social well-being is indeed the objective of all the tasks envisaged as part of the implementation of the European Landscape Convention. It is not the landscape as object that the convention is trying to manage, protect and plan with a view to its improvement, but rather the landscape seen as a complex component of the living environment of European populations: it is in this respect that it contributes to their well-being.

5.2. Identifying and assessing landscapes, formulating landscape quality objectives: efficient and innovative methods

Many methodological proposals are put forward to do with the theme of landscape identification and assessment, and the formulation of landscape quality objectives.

This report presents some methods developed in other contexts in scientific and technical circles.

5.2.1. Landscape identification and assessment methods

We shall not make a distinction here between identification methods and assessment methods, because certain specialists consider that assessment and identification stem from one and the same operation. The distinction between identification and assessment will be made on the basis of the method used. The issues which are under discussion in the scientific community and in the community of field workers concern, on the one hand, the time for landscape identification and assessment and, on the other, the methods used, and in particular the sources of knowledge to be mobilised.

a. The time for landscape identification and assessment

This issue may seem incongruous in relation to the actual importance of the task to be undertaken. It is nevertheless under discussion, because it refers to the linkage between landscape identification and assessment operations and active programming, in other words, operations involving landscape management, protection and planning. Some technicians reckon that the two types of operation should be simultaneous or sequential, in other words that identification and assessment can only be carried out prior to planning and protection operations; others think that the first type of operation can be carried out independently of the second, thus helping to obtain a base of knowledge about landscapes that can be used by all the people concerned, whether they are political, scientific or technical. It is, incidentally, this solution which is now being applied in several countries (France, Spain, Great Britain, and Norway in particular), by way of “landscape atlases”, which are kinds of inventories encompassing the knowledge about different types of landscapes and their dynamics.

It would seem possible to be able to draw up such inventories (akin to atlases) on several scales (national, regional, local), which would form organised, spatialised and illustrated databases in which the different types of landscape present and delimited would be hallmarked by various criteria. These “landscape atlases” or landscape databases would be made available to planners and the local people concerned, after an exercise in validation and after public inquiries aimed at the facilitation of their appropriation by these people.

This inventorial construct would allow technical experts to draw on the knowledge they need during their formulation of landscape quality objectives and landscape development plans. The fact is that some of these technical experts greatly regret that the time they spend looking for the knowledge necessary for their work is not being used, and better spent, in the field. This is an argument which bolsters the need for preparing these landscape atlases or databases.

b. Methods

The question of scale

The various experiences recorded at Council of Europe meetings shed light on the range of scales: several European countries have carried out work on a national scale, such as the United Kingdom, Norway, Spain, Portugal, and Slovenia, in particular. Others have become involved in works on greater regional and local scales, such as France and Belgium. A landscape identification and assessment project undertaken at national level does not prevent a movement downstream leading to an inventory based on dovetailed scales.

Norway, for example, has identified 45 landscape regions and 444 sub-regions, and 276 valuable cultural landscapes. The United Kingdom has done likewise, proceeding by way of simultaneous dovetailed scales. So it is obvious that there is no favoured scale, a priori, but that the scale also has to be worked out in relation to objectives.

Methods known as landscape state identification objectives

These have been applied for a long time and in particular by geography, which has been the discipline most oriented towards landscape identification and description. These methods are based on the delimitation of areas and spaces containing landscapes regarded as homogeneous in terms of their composition. These landscapes have usually been called “landscape units”, sometimes and more rarely “landscape entities” and even more rarely still “landscape ambience units”.

Identification of the boundaries of these landscape units involves various and usually complementary methods.

Field observation

It can only be carried out accurately on a large scale. It has the advantage of helping to grasp the nuances and aspects of landscapes viewed at ground level.

Use of cartographic data

– existing cartography, be it topographical, geological, hydrological, involving vegetation maps, etc.

– use of aerial photographs: this helps to understand the continuity, discontinuity and composition of landscapes, the way they are divided up, and it also helps to locate constructed elements and plant features. These aerial photographs may be in normal colour, or in infra-red, designed to distinguish broadleaf vegetation and coniferous vegetation, in particular, and certain types of land use which show different temperature colours.

– satellite photographs, and in particular the cover resulting from the Corine Land Use Cover database which helps to detect spatial units which are of homogeneous composition.

In this respect, there is an ongoing debate about the relevance of aerial imagery for landscape identification and assessment. Some specialists reckon that aerial photography does not represent landscape photography because of the overhead perspective. It would seem that we can abandon this position. It is in fact possible to consider that if the overhead shot does not encompass the visual aspect of a landscape in the usual sense, the sense in which it is commonly understood, it makes it possible to generalise observations made on the ground.

Use of statistical data and various other indicators

Quantified statistical data help to describe spatial distributions which may help towards an understanding of landscapes; for example, population density which is an indicator of the presence of buildings; or the density of grassland areas which appears in certain censuses and which may record a more or less verdant aspect of the landscape.

As for aerial photography, the use of quantified indicators should not be regarded as being directly relevant for landscapes. It is the interpretation that may be made of them in relation to the state of a given landscape, already evaluated by field observation and mapping, which may help to specify this state. Incidentally, the question of indicators deserves to be further developed towards a consideration of meaningful data to do with social demands regarding specific landscapes. The number of second homes in certain regions can actually be interpreted as reflecting the attractiveness of particular landscapes. But it is as well to be very cautious in the way we use these quantified data. If we take the same example of second homes, this phenomenon might indicate a social attraction for the landscape concerned, but it might also describe a high density of empty dwellings, thus inexpensive and indicating an attractive supply of accommodation which possibly has no relationship with the landscape itself.

Use of archaeological data

This method may be helpful for attesting to past human occupancy on the one hand, and it may be considered in terms of heritage as well, but it may also be useful for analysing the ways in which activities are distributed in relation to the morphology and certain elements of the landscapes such as watercourses and slopes. Even if it is still often difficult to interpret these data, they may point to methods for using resources and protecting human constructions in the face of natural risks such as floods, landslides, avalanches, etc.

Identification and delimitation of protected areas

This identification is crucial if there is to be proper action. Generally speaking, the status of the territory should be the object of specific research, helping those involved to become acquainted with the restrictions on land and enabling them to take decisions adapted to this status.

Use of visibility criteria

Some methods propose drawing up charts and maps of visible areas based on particular viewpoints and itineraries. This method, furthermore, has given rise to computer techniques based on the use of digital field model data (data digitising contours). But this technique can only be used for rural areas with little construction and does not take vegetation into account. In addition, in urban environments, it cannot be used and fieldwork is thus called for.

State of landscape components

This is a method based on observation making it possible to locate landscape components which are sufficiently recurrent to represent typical repetitive “factors” in the landscape in question. For example, one operation helped to identify the following elements:

- factors associated with surface water;
- land boundaries (hedges, low walls, etc.);
- sites of towns and villages;
- roadside landscape features;
- memorial sites;
- heritage buildings;
- edges of protected monuments;
- entrances to towns and villages;
- public places in towns and villages;
- communal spread.

The location and description of these factors helps to inform local people in the areas concerned about the forms which they see and pass daily, and raise their awareness about their importance, and the changes, which these structures undergo.

Methods known as landscape dynamics identification methods

Landscape identification must in fact encompass the dynamics in question by the same token as it encompasses the state of the landscape at a given moment. There is no such thing as an unchanging landscape, and this applies in particular to landscapes created by human activities and, therefore, where people live. It is therefore crucial to be acquainted with the types of changes underway in order to ground actions and landscape quality objectives in a relevant basis of knowledge

of factors likely to change. Knowledge about these changes can be accessed in several ways.

Use of landscape development tendencies

Landscape development tendencies can be evaluated using the indicators already mentioned which, because of the progress of computer technology, make it possible to draw up maps locating developments; for example, positive population evolution reveals pressures which may weigh on the landscape as a result of the building which it will inevitably entail. But building changes can be measured and mapped with the help of other indicators such as building censuses – this possibility, needless to say, being based on census methods differing from country to country. In a more general way, it would seem essential to assess these changes by taking into account the major sectors of activity which, by their movements, contribute to the evolution of landscapes; it is also important to measure the processes relating to:

- urbanisation;
- processes involving development and modification of farming and forestry practices;
- processes involving the use of natural resources (materials in the ground, and water in particular);
- processes enhancing and making best use of the building heritage;
- major infrastructures;
- processes involving economic and tourist development;
- biological and physical processes playing a part in landscape evolution,

to mention just the most important. These trends may, furthermore, be verified by field observation, by locating the signs which give a physical indication of them in the landscape – for example, a young coniferous plantation may be the sign of a trend towards reforestation.

All these processes can be conveyed by appropriate maps which help to locate the areas most concerned and least affected. It goes without saying that the cartographic establishment of these processes depends on the scale and on the units of statistical census.

Updating collective and individual project data

These development processes actually represent the sum of collective and individual projects, be they public or private. It might be enough just to assess or map development trends. But in fact, statistical indicators merely measure past processes and can be interpreted in terms of trends. Some of these development projects and projects involving the execution of works, and especially collective projects and projects of a certain size, slip through these censuses. It is thus important to identify and locate them in order to formulate forward-looking

landscape knowledge. They can essentially be identified by surveys taken with competent administrative departments and local authorities.

So-called "subjective" methods

What is actually involved here is methods attempting to shed light on the subjective data of landscapes which cannot produce any quantifiable evaluation and which stem from aesthetic, phenomenological and symbolic values. These methods are based on the hypothesis that landscapes offer values which are attributed to them either by the local people (cf. paragraph 5.1.2 Assessment), or by artists and writers who have recorded the aesthetic and symbolic attributes of landscapes in their works. These differing types of values may in fact be very different and sometimes very divergent, but, on the other hand, they may also reinforce each other. The methods used to identify these values stem from different techniques.

Data taken from art production, travel guides and illustrations

These sources of landscape representation are a way of understanding the relationship between part of society and the landscape at a given moment in history. Needless to say, these illustrative products are socially delimited. They are not regarded as representing aesthetic attitudes to the landscape by the population as a whole, but certain groups of artists have managed to be ahead of society as a whole in this line of thinking, and acted as harbingers of change in the way they conceived the landscape, which was not yet the way the majority did. One of the best examples is the French Impressionists, who had a forward-looking vision of industrialised French society during the 19th century, and who gradually discovered the French countryside and the French Riviera as ways of escaping from the restrictions of working and city life. This movement went hand in hand with a markedly new social structure marked by the formation of the middle classes, who were able to be tourists and thus embark upon the age of leisure.

In the same way, old postcards represent not only a way of rediscovering certain landscapes from the past, but above all of understanding how the landscape was thought of and what values were attributed to it.

This immense corpus is thus an exploratory, heuristic source of landscape and of historical attitudes to it and it is quite obviously related to a period and a part of society: painting, printing and lithography, postcards, travel guides, literature, tourist advertising posters, and photography can all be used to get to know how a landscape was conceived of at a given period. Analysis is nevertheless difficult and must be undertaken by specialists, and not made in a literal way, but with interpretations which refer these images to their social, spatial and historical context.

The same observations can be made about contemporary productions with images stemming from advertising and promotional documents for regions and countries. These images form a body of data which scientific analysis has long neglected, but

which are nowadays regarded as interesting sources for understanding landscapes and the values attributed to them.

Data deriving from the way local people perceive landscapes: the issue of values and the scale

Value system: universal or non-universal values

This is a tricky question which could be examined with regard to the existence of a value system and not of a single value for a landscape. In fact, as has already been mentioned, there is not a single value, rather there are values situated at several levels of a society, and they may belong to different kinds of meaning. These values are qualitative and non-quantifiable.⁹⁰ These values may therefore be of several types, universal or not.

They may be universal values for the “harmony” of landscapes signifies for the people questioned about the meaning of the term:

- harmony between people, on the one hand, and
- harmony between people and nature, on the other hand,

which tally well with the principles of the Council of Europe, in so far as we find in these expressions some of the principles of sustainable development.

They may also be non-universal:

- belonging to national cultures which refer to major models structuring social representations of the landscape, such as pastoral, picturesque, and sublime models, and which have to do with aesthetic symbolism;
- belonging to local cultures where they may come in several dimensions:
 - belonging to the culture which each individual fashions for himself through his personal trajectory and his own life, but which cannot be transposed and which is therefore difficult to use in a perspective of general interest,
 - the dimension of collective memory in which are etched the events of the local society which are incorporated in landscapes (some would call these identity values),
 - the dimension of knowledge and know-how about nature tested by the empirical experience of natural resources, but which are not necessarily the same for all inhabitants because of the diversity of uses; they may have a utilitarian, affective, or aesthetic significance (differing from academic aesthetics and specific to this particular place).

One of the primary problems to be solved is the one raised by the subtle dovetailing of these different scales of values, and which lies in the distinction between these different scales.

90. Some people use the notion of “landscape preferences” which only refers indirectly to the value system, and which presupposes the establishment of a hierarchy of landscapes drawn up by individuals.

The scale issue: national, local, European or world scale

Another problem associated with that above is the scale with which these values must be identified, because these values actually have a meaning on several scales – national, local, European or world scale:

– The national scale cannot be ignored, all the more so because it is perforce confronted by the mobility of people and the exchanges it imposes. The production of knowledge on this scale probably involves research, sociologists, geographers and anthropologists, and, needless to say, it is national institutions which are responsible for commissioning and financing their work.

– The local scale poses the problem of identification: who is qualified to understand these values and how can local people themselves contribute to the identification? Scientists must in fact be mobilised, but it is perhaps possible to envisage collaboration between them and local inhabitants. What should be the respective place of the different people involved at this scale: institutional people; technicians and field workers; scientists and inhabitants.

It is important to emphasise the significance of this issue, in so far as it involves a challenge between the production of new knowledge and the retrieval of common and popular knowledge by scientists who might be tempted to consider it as their own. If this common knowledge is used for active purposes, it is essential to say where it comes from so that local people may subsequently recognise themselves in the formulation of active measures, and not feel frustrated in terms of the relevance of their own knowledge.

– It is also important to add the European scale which obviously, first and foremost, concerns the implementation of the European Landscape Convention, and which is therefore both the European scale and the global scale: we are all aware today to what degree the evolution of the landscape depends on decisions taken at a European and/or international scale. It is thus crucial that the production of knowledge also occurs at these scales so that not only local people but also technicians, elected officials and scientists themselves will incorporate this dimension in their activities.

These many and varied methods, and the abundance of documentary sources and data, lead us to a first lesson: there is no question of there being a single method, or any method which is superior to any other. Each country, each authority, each institution, and each collective agency, group and non-governmental organisation responsible for the task of identifying and assessing landscapes or taking part therein, has a great deal of latitude for making their choices and implementing the method which they deem best suited to the case to be dealt with, drawing on the whole range of methods described here and elsewhere. This choice will depend on the scale, and the social, political and cultural contexts in which the operation will be undertaken. It seems necessary to adopt a holistic approach, but this does not diminish the complexity of the process by way of overly simplistic methods. The complexity must be taken into account and it is up to the people involved and the various specialists to try to understand it.

But once this choice has been made, and the methods have been applied and are producing their results, and once the values attributed to landscapes have been identified and made known, it is a matter of comparing them both with the knowledge coming from other fields acquired by the various scientific disciplines, and with the intentions put forward by technicians and politicians: so there is a shift here from knowledge to action, in other words, in the formulation of landscape quality objectives.

5.2.2. The formulation of landscape quality objectives

The shift from knowledge to action presupposes that any action, whether it be to do with protection, management or planning, is coherent with the values attributed by local people to landscapes, with the aim of foreseeing and anticipating the long-term future; but it must also encompass systems of economic and social logic at work, and the bio-physical functioning of the natural environment and the environment as modified by man. The formulation of landscape quality objectives is thus an essential task in the decision-making process, which must incorporate these various areas of knowledge – a task, it goes without saying, which is both complex and difficult. The institutional and political organisation of the different member states of the Council of Europe differs and does not permit the prescription of rules running counter to it.

The formulation of landscape quality objectives is faced with many different challenges focusing on the interaction of the different dimensions which has made it possible to update the distribution of data gathered during the identification and assessment phases into various fields of significance and activity.

– The first challenge concerns the question of development trends under way and the ability of societies to control them, and even shape them in order to steer them towards a desired objective. Any objective to do with a collective action is subject to the many different decisions taken by the individual people involved, because there is often a mistaken tendency to think that the landscape evolves as a result of major decisions and major projects decided upon by territorial authorities and major operators. But the landscape also and above all evolves as a result of a host of individual decisions. The fact is that in the great majority of cases, these are part and parcel of major development trends. Hence the importance of identifying them and taking informed decisions in order to formulate landscape action objectives better.

All objectives must be formulated in relation to these dynamics either by accompanying them with measures making it possible to guarantee a coherence between them and the previously identified landscape values, or by trying to steer them in a direction permitting such coherence.

– The second challenge involves the sharing of decisions among the persons concerned. All objectives must thus be part and parcel of the principle of social equity, which means acting in such a way that the planned landscape be defined

by those politically involved in such a way that this landscape, as planned for the future, corresponds to the vision that these different people have of it. But these decisions stem from the task of those who have been entrusted with making them, in other words, elected officials, who must act properly, in such a way that they take into account the aspirations of ordinary citizens.

– A third challenge concerns sustainable development. All landscape quality objectives must in effect guarantee the reproduction of the natural environment and its resources in the long term. They must therefore take into account the bio-physical processes at work and be part of them, or attempt to steer them along a path guaranteeing this long-term reproduction of the environment and its resources.

Here, too, it is important to raise the question of the respective place of the persons involved, and in particular of scientists in relation to local inhabitants and of politicians in relation to scientists and inhabitants or fieldworkers and technicians. How are we to imagine that scientific knowledge which is more and more complex and often not easily accessible to those without university degrees is to be comprehensible to them? This is actually the ultimate and considerable challenge: the challenge of access by one and all to an understanding of the complex processes which modify the day-to-day landscape, whose problems do not lend themselves to simple answers. As we know, this is one of the hardest questions to be solved today, and the absence of any solution to it leads to tense situations which may even become dramatic. It is probably here that co-operation between the various people involved in a local situation is the most necessary factor, because the contribution of everyone, at their own level and in their own place, of what they know about the place concerned is probably the only way that will help to surmount this difficulty of understanding the complexity of landscape transformations and of solutions that can be proposed in such a way that the local authority accepts them.

Conclusion

This report represents a stage in the implementation of the European Landscape Convention, and does not claim to put forward definitive proposals which might be the culmination of the reflections of representatives of the member states and of the experts attending the various meetings organised by the Council of Europe. This stage will probably see new breakthroughs which will make it possible to apply the European Landscape Convention effectively.

The various methods which have been described above are neither exhaustive nor conclusive. The list will probably be further complemented and enhanced by other methods and techniques. However, some general proposals can be put forward.

– Identify their own needs and challenges within the context of the European Landscape Convention: member states should undertake, if they have not already done so, to carry out landscape identification and assessment operations on scales which are relevant to the features of the landscapes of the country concerned.

The method used for these operations cannot just be a single one, and may vary according to the various social, political and economic scales and context; it is nevertheless important that these operations be undertaken with active co-operation between the different people involved, be they elected representatives, scientists, technicians or local inhabitants.

– Favour quantitative and qualitative knowledge: these methods must not entail just quantifiable knowledge, they must also give equivalent consideration to knowledge about the value systems which are attributed to landscapes. These methods should make it possible to express the different areas of meaning of the landscape, whether they are part of the natural or man-made physical environment or whether they involve more abstract notions.

– Promote equality between the public and the expert: the production of knowledge does not mean just scientific production. It must also involve shared knowledge and know-how, and in these traditional and scientific knowledge must recognise each other's worth.

– Favour access to knowledge: access to knowledge produced by science, which is becoming more and more complex, must thus help towards an understanding shared not only by the scientific world, in other words by all disciplines, but also by less-informed local people. This means that a special effort must be made by both scientists and technicians to make this knowledge accessible to one and all.

– Promote co-operation on projects: where this knowledge is concerned, it is important that the scientific community of countries implementing the European Landscape Convention should undertake projects to update and shed light on the value systems attributed to landscapes by the societies concerned, at several levels.

6. Landscape and awareness-raising, training and education

Bas Pedroli and Jan Diek Van Mansvelt, experts to the Council of Europe

“A. Awareness-raising

Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.

B. Training and education

Each Party undertakes to promote:

- a. training for specialists in landscape appraisal and operations;*
- b. multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned;*
- c. school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.”*

Article 6 of the European Landscape Convention

Introduction

Threats and opportunities in the crisis of the European landscape

Although European landscapes are increasingly appreciated as leisure commodities, they are facing a considerable crisis.

In less accessible and remote areas, land abandonment continues, leaving behind deserted villages, useless infrastructure and overgrown land. Often two options seem to remain in these areas: the establishment of nature conservation areas, or large-scale mono-cropping areas, the latter with a range of negative effects on the regional ecological diversity, soil and water qualities. Both options imply minimal management requirements, the one by a hands-off strategy, the other by means of radical mechanisation. In neither of these options is the landscape very much appreciated as such.

Opposing the above-mentioned trends in the countryside, there is a clear demand for sustainable rural development, focusing on the careful cultivation of the regional identity of European landscapes.⁹¹ The French notion of “terroir” integrates the landscape’s cultural and natural features in the aesthetic sense mentioned above. With the European Landscape Convention, the Council of Europe fully accepts the considerable challenge to contribute to the sustainable development of landscape on all relevant scales, as it states in its policy: “‘Landscape management’ means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes.”⁹²

In a historical perspective, urbanisation can be seen as a way of emancipation from the overwhelming forces of wild nature within and around, an emancipation that inevitably was paralleled by people’s disconnection and alienation from their local and historical roots. Freedom and independence had their costs, but also their unique benefit of making people aware of their responsibility for “the others”: socially and ecologically, in urban and rural areas. This awareness is a prerequisite for people’s commitment to participate in the development of better ways to manage the landscape, fit for a sustainable future. Peter Bos specifies

91. Wascher, DM (ed.) (2000a). *Landscapes and Sustainability. Proceedings of the European Workshop on landscape assessment as a policy tool*; 25-26 March 1999, Strasbourg, organised by the European Centre for Nature Conservation and the Countryside Agency of England, UK, Tilburg; Wascher, DM (ed.) (2000b). *The Face of Europe – Policy Perspectives for European Landscapes*. Report on the implementation of the PEBLDS Action Theme 4 on European Landscapes, published under the auspices of the Council of Europe. ECNC, Tilburg.

92. Article 1 of the European Landscape Convention.

several subsequent steps in involvement,⁹³ comparable to those developed later in this paper. However, the awareness of landscape often slumbers unaware in people's minds.

The concept of landscape (as opposed to "nature") is only evident from the moment one realises that it forms one's everyday environment, that it is part of one's culture, there and then. Whereas nature conservation tends to focus on species and ecosystems, which are perceived as part of the world outside of us, landscape management concerns us more directly. It is therefore also less of a purely academic question. The awareness of this concern with landscape is part of our human development. Participation in landscape development can thus be seen both as a human right and a social responsibility. Not so much the formation of new experts is at stake, but rather the development of human capacity toward responsibility, in a humanist sense.

Ways to introduce the above notions into all levels of education should be developed, to make society at large sufficiently aware of the qualities that landscapes should provide to society in order to warrant people's healthy development.⁹⁴ And in our opinion, this again is a prerequisite for a sustainable development of the landscape people need.

Objectives and structure of the paper

The objective of this report is to enhance the implementation of the European Landscape Convention by discussing the main problems and opportunities in awareness-raising, training and education on the landscape as mentioned in Articles 6A and 6B of the Convention. Thereby, the basic idea is that those who were and still are in charge of landscape management have largely determined the actual landscape based on their awareness and appreciation of the landscape.⁹⁵ Consequently when, today, another landscape quality is wanted, an appropriate change in perception and the awareness of the landscape is needed, together with the relevant rulings of the responsible authority.

The concepts of landscape education will be examined, wherein education is seen at large, including awareness-raising and training for various youth groups and adults. Then, we discuss concepts of landscape and the related practices of landscape management. Subsequently, we consider practical consequences of the presented concepts with proposals for action.

93. Bos, P, *Awareness-raising to environmental questions in relation to the cultural heritage*, in Proceedings of the Conference Awareness of the Landscape: From Perception to Protection, La Granja (Segovia, Spain) 6-7 April 2000, Council of Europe Publishing, Environmental Encounters, 2002, No. 52, pp. 19-20.

94. Luginbühl, Y. (2001). *La demande sociale de paysage*. In: Conseil National de Paysage (2001). Rapport de la séance inaugurale. Ministère de l'aménagement du territoire et de l'environnement. pp. 7-29.

95. Pedrolí, B (ed.) (2000). *Landscape – Our Home/Lebensraum Landschaft. Essays on The Culture of the European Landscape as a Task*. Indigo, Zeist. 222 p.

6.1. Awareness-raising, education and training for living landscapes

6.1.1. Connection with and commitment to the landscape

The landscape of today reflects the way society has taken care of the landscape. Accepting this as a fact, we also realise that education and training with special reference to the landscape issue are crucial to whatever improvement of the landscape management we want to achieve. Many activities can be imagined to promote the proper approach in awareness-raising, education and training.

To provide for an integrated comprehension of landscape, on the level of the physical appearance, the organisation, and the character/identity, key words in awareness-raising, training and education are, in our view:

- personal connection with the landscape, and
- personal commitment to the landscape.

Only personal connection with the landscape can allow people to know their landscape in depth, including its opportunities and threats, and base their actions and activities on knowledge of the landscape in all its complex relationships. Personal commitment or engagement with a specific landscape can guarantee the sustainable development of the old landscapes into new living ones, taking into account the values of the former ones.

a. Education and training

Much literature is available on education and training referring to environmental awareness.⁹⁶ For landscape, the objectives might be quite parallel, and a first line of thought could be described as follows.

In primary schools, where children look to their teachers for examples, going outside with the children and showing them the beauty of the landscape might be encouraged. People active in the landscape, like farmers, rangers and volunteers, could tell interesting stories about their landscape, and children could thus become aware that landscape is something more than just nature.

In secondary schools, the children can become active themselves in the landscape in camps and practical exercises. They could be taught about relationships between history and the present landscape, between man and nature, and they could learn how and why different landscapes differ. They could adopt certain aspects of practical landscape management, and learn to see the landscape as something they can care for and identify themselves with, for example by spending a week on a farm or estate with special attention to landscape values. In the later classes this awareness of responsibility may be extended as far as the notion that almost every

⁹⁶ On the level of Europe, see, for example, Wascher, DM (1996). *Naturschutz als Auftrag für die Europäische Umweltbildung*. In: Schleicher, K. (Hrsg), *Umweltbewußtsein und Umweltbildung in der Europäischen Union*. 2., erweiterte Auflage. Krämer, Hamburg, pp. 279-306.

action in modern society has its consequences for the landscape: from buying milk or wine and travelling by road, to letting your dog out in the city park or spending your holiday in a landscape far away.

In high school and at university level, students can then concentrate on the problems of management of landscape, to be able to contribute positively to their solution. But here too the basis could be enhanced by a thorough knowledge of the landscape, acquired primarily by direct experience through walking, smelling, listening, looking, and only secondarily by measuring and observing through instruments. A phenomenological approach, including exercises such as sketching the landscape and telling its stories, might increase the students' openness for the character and identity of the place. Contact with residents and others involved in the landscape is crucial to remain within the realistic dimensions of what is possible in the living landscape.

In fact, the same applies for training of specialists in landscape management and policy. They will be taken seriously by the people in the landscape only if they can show that they know the landscape by their own experience, that they understand the problems of the people in the landscape and that they really are ready to help solve them.

b. Awareness-raising

Awareness-raising is a very wide topic, since it covers a range of activities, from information leaflets in a nature reserve, through visitor centres and landscape management camps, to radio and television programmes. It concerns children and adult landscape users just as much as officials and politicians. The message to be conveyed is clear: landscape is something which needs care and which, seen simply as a commodity good, will inevitably lose its value and also its attraction. In the following, a systematic approach to education and training is elaborated.

Bleijendijk landscape workshops

“Bleijendijk (a small estate near Vught in the south of the Netherlands) has an atmosphere evoking a special consciousness. High beech trees line the central lane, meadows and forest lots are nicely spread over the estate, and the manor and some farm houses are harmoniously embedded in it. Here the people committed to the landscape are associated with the estate for years, in continuous conversation with nature, by basing their activities on phenomenological observation and meditative connection. That is what you can perceive in the atmosphere. Many schools bring their children here to experience the seasons in the landscape on one day in each season. The younger children may rather play whereas the older ones do guided observations or participate in landscape management activities. Bleijendijk can stimulate the commitment to the landscape of people otherwise ignorant of the importance of landscape values.”

Source: interview with L Nusselein by L Kelder in: Beekman et al., 2001

See also www.louisbolk.nl www.petrarca.info

6.1.2. Education and training as human resource development

a. Filling the bucket or lighting the fire

When education and training are at stake, one approach is to “change the format”, that is to provide the pupils and trainees with updated and revised information, referring to the newest findings of research and the latest positions of policy. Using the language of Heraclitus, a philosopher of ancient Greece, this would be a kind of filling the bucket anew. He himself, however, recommended that teaching should be more like lighting a fire than filling buckets, meaning that learning should be more a way of finding, sharing and evaluating ways to solve problems, practical ones as well as theoretical ones. This is in contrast to a so-called knowledge transfer from “high” (research) down to practice and training (“low”). In the fire-lighting approach, learning about the learning self goes hand in hand with learning about the topic of interest, exploring the self as the ultimate research instrument to learn about the world around, in this case the landscape.⁹⁷ Here, experts of education and training like Bawden et al. (1984), Forsythe (1984), Rushby (1985) and MacRae (1989) agree with earlier experts like Bloom (1956) and psychologists like Maslow (1970), arguing that the most humane education contributes to the students’ free and autonomous self-development. For the European Landscape Convention, a “fire-lighting” approach of education and training would be appropriate, which can also be indicated as human resource development in its true sense.⁹⁸ Emancipation and empowerment are leading criteria in this approach, which addresses intellectual education (knowledge oriented: cognition) as well as emotional education (finding out about the feelings and values: affection) and also motorative education (knowing about doing, how to practice: conation). In the above-mentioned literature these levels are referred to as cognitive, affective and conative.⁹⁹

Pishwanton: a life science centre for living in communion with the land

Pishwanton Wood, Gifford is situated in the Lammermuir Hills in southern Scotland, 20 miles east of Edinburgh, 12 miles from Dunbar and overlooking the Firth of Forth. Rather hilly, abounding in springs and crossed by two small streams, it was once a rich, worked wood with massive trees. Passing through was once a well-worn track beside a marsh and a mill lade linking one prehistoric place to another. Atop the hill sat an ancient burial ground. Today Pishwanton wears an air of dereliction but, behind this, the visitor

97. Bockemühl, J (1997) “Aspekte der Selbsterfahrung im phänomenologischen Zugang zur Natur”, In: Gernot Böhme and Gregor Schiemann (eds.), *Phänomenologie der Natur*: DTV, Stuttgart.

98. Van Mansvelt, JD and Kólster, P (1990). Education and Training in Organic Agriculture I: Present situation and polar aspects of educational content. FAO expert consultation, Bern; Van Mansvelt, JD (1990). Education and training in organic agriculture. Agriculture II: Methodological aspects of appropriate human resource development and indications of their implementation. In: Besson, JM: Biological Farming in Europe: challenges and opportunities. Swiss Federal Research Station / FAO, Bern.

99. Bawden, R. and Valentine, I (1984). Learning to be a Capable Systems Agriculturalist. PLET 21-4, pp. 273-87.

is enchanted by a multiplicity of places, of plant communities and of potential here for plant, animal and human involvement. Given the “marginal” nature of the land and the relative abundance of indigenous representational southern Scottish flora, our research has revealed this place to be of considerable educational value and highly suitable for our activities.

The Life Science Trust is a company limited by guarantee with charitable status. It aims to explore the relationship between human beings and nature through art and science and their integration with one another. Our work is based on a “gently empirical” scientific method known as Goetheanism. This approach, now widely practised throughout continental Europe, is ideally suited to the study of life. It investigates and unifies the physical attributes of an organism, the processes by which it grows and evolves and its spiritual characteristics. Through the work of the Trust people are given the opportunity, perhaps for the first time, of letting nature speak within their souls. This can lead to a deep inner experience of “being at one with” rather than “separate from” the natural world and the landscape.

The **life science seminar** is a mobile, educational project active throughout the British Isles, since 1990 providing short courses from one to three weeks on a wide variety of subjects.

www.anth.org.uk/Science/lstrust.htm lstrust@gn.apc.org

b. The cognitive domain of education

Regarding the cognitive domain of education six steps can be differentiated, leading from a relatively passive memorisation of facts (“Knowledge”) to full understanding of the facts in their methodological context (“Evaluation”). They can be characterised as follows:

- *Knowledge*: facts/data to be memorised and reproduced on demand.
- *Comprehension*: simple “if ... then ...” connections between the data, direct associations.
- *Application*: useful application of abstract regulations and prescriptions in a well-known context.
- *Analysis*: explicit determination of different structural elements in publications/situations, recognise intentions/manipulations, etc.
- *Synthesis*: reconstructing or reorganising all kind of given situations, trials, explanations; reviewing, planning and explaining clearly/convincingly; formulating laws of nature, etc.
- *Evaluation*: getting explicit hold of essentiality, realistic judgment of real values/ultimate quality requirements; summarising the essential points of a paper/case/situation.

Here the first steps or levels of cognition require relatively superficial individual involvement in the landscape, as compared with the later ones. They are in general sufficient for those studying for credits, but do not satisfy those studying for interest in the landscape. Therefore, the presented sequence is also a sequence of

increasing involvement of the student into the landscape, which is, at the same time, an increasing internalisation of the whole landscape in the student. In this same process of internalisation-by-involvement, the need for an outer authority, to give the necessary help or orders to make things work out, decreases, as emancipation, and the scale of own practicable responsibility, increases.

Whereas with cognition of the type of the lower levels many actions can be taken in an “automatic”/“habitual” way, the higher levels of cognition demand an increasingly constant awareness of the situation and an increasing self-reflection. The division of the scale into steps one to six is basically comparative and qualitative. Studying any of the landscape’s features on all six levels or steps helps to discover and communicate these levels. It is interesting to notice that such discussions exceed the purely technical dimensions of the landscape, leading the participants of the discussion to express themselves more personally, even individually on their concepts and perceptions of their landscape and the research methods used to explore it.

c. The affective domain of education

Regarding the affective domain of education, five steps can be differentiated, starting with a relatively passive/neutral “Reception” of the information to a state of involvement called “Characterisation”, where one has become a representative of a chosen paradigm by identifying oneself with it. These five steps can be characterised as follows:

- *Receiving*: from “untouched awareness” to “controlled attention” or “passive looking for repetition(s) of the event”.
- *Responding*: from “goody-goody compliance” to “satisfaction in joining”.
- *Valuing*: from “tentative acceptance of a value in a passive way” (OK, call me a student of landscape science) to “effective commitment to a value in an active way” (let me tell you how wonderful it is to be a landscape ecologist).
- *Organisation*: from “ideal conceptualisation of a chosen system of values” to “harmonisation or integration of different complex value systems within one value system”.
- *Characterisation*: becoming a prototypical representative of a chosen philosophy of life, as a result of its complete internalisation.

Here, as in the case of the different steps in cognition, the first ones require the least personnel commitment, and, going from one to five, the commitment with landscape increases, together with the incorporation or internalisation of the

relevant landscape values. Thereby, the third level marks the important transition from being a more or less passive onlooker/outsider, to becoming a convinced participant/insider, through a process of gradual identification with the landscape. But, as this field or domain of affection touches the human being much deeper than the field or domain of cognition does, touching it in a less conscious, and therefore more vulnerable way, its elaboration is a much more sensitive matter than that of the cognitive domain. To be explored in a fruitful way, this domain requires mutual respect among those involved in practical engagement in the landscape.

However, often concern is expressed about the growing disengagement, the lack of interest and, in general, the increasing alienation of “modern” people with regard to landscape. Many point to the fact that all children and students are somehow influenced in their affective field by their tutoring staff. So there is no sense in denying, underestimating or suppressing this aspect of education, on the contrary. By giving it appropriate attention, this field of affection becomes more and more open for self-conscious and self-responsible management. It can be argued that an increasing clearness about one’s own attitude towards landscape implies something like emancipation in regard to one’s own affections and emotions. This emancipation, decreasing the dependency on uncontrolled emotions, does not at all mean complete abstinence from all empathy (sym- or antipathy), but rather an increasingly clear awareness of its indispensable signalling function.

Here, it can be realised that, on the contrary, it is precisely the outsider/onlooker situation that leaves a person much more captive of, and dependent on, his own/subjective feelings, which thus tend to fail in supporting a clear, communicative relation with the “others”. The implicit, non-communicable socio/emotional dependence of scientists in general was discussed earlier¹⁰⁰ as a counter-productive, irrational barrier against the acceptance and introduction of innovation in landscape.¹⁰¹

d. The conative domain of education

Now we come to the conative domain of education,¹⁰² which refers to the implementation of a kind of knowledge, in a certain affective state, through handling, into the practical living landscape where doing is essential. Referring to

100. Van Mansvelt, JD and Kólster, P (1990). *Education and Training in Organic Agriculture I: Present situation and polar aspects of educational content*. FAO expert consultation, Bern.

101. Miller, A (1984). *Professional Dissent and Environmental Management*. The Environmentalist 4, 143-52.; Macrae, RJ, Hill, SB et al. (1989). *Agricultural Science and Sustainable Agriculture: a Review of the Existing Barriers to Sustainable Food Production and Potential Solutions*. Biological Agriculture and Horticulture 6: 173-219.; Van Mansvelt, JD and Van der Lubbe, MJ (1999). *Checklist for sustainable landscape management*. Elsevier, Amsterdam-Lausanne etc. 181 p.; Pedroli, B (ed.) (2000). *Landscape – Our Home/Lebensraum Landschaft. Essays on the Culture of the European Landscape as a Task*. Indigo, Zeist. 222 p.

102. Bawden, R and Valentine, I (1984). *Learning to be a Capable Systems Agriculturalist*. PLET 21-4, pp 273-87.

literature,¹⁰³ several levels of autonomy in handling can be distinguished, ranging from the initial imitative acting, to acting out of a free, fully self-conscious dedication to the landscape. These steps are defined as follows:

– *Imitation*: on all levels of education, the first steps in handling/manipulation require an example to be imitated. Among adults this may be somewhat masked, but the example of trend-setters continues to act as a major incentive for action. In any case, learning practice in practice is still the most effective start, though still often neglected. Of old, apprenticeship started just here: “don’t talk (so much), just look and do like I do”. Here it should be noticed that, although the reflex-like urge to imitate is borne deep in the subconscious, the choice of whom to imitate in what aspects is basically determined by the inner structure, the personal sensibility of the student. With age and levels of education increasing, the “want to mirror” becomes more an option for explicit evaluation.

– *Handling*: whereas on the first level the example should be physically present to be continuously observed by the student/imitator, on the second level, “skilful handling”, a sequence of manipulations is available in the student, to be applied according to clear instructions. This level ranges from “dutifully adjusting complex manipulation” to “personal concern for flawless performance”. The example is present in the student’s mind, imaginary but efficient. This level complies with the “mate/journeyman” in the old guilds, or the traineeship in landscape design and management offices.

– *Mastering*: on this level, the craft or art is mastered, meaning that the student is now ready for independent self-employment after the outer authority has become sufficiently incorporated. At first this appears mainly as a freedom from outer control and interference. Subsequently a gradual transcendence into freedom for individual motivation may develop, based on increasing experience and a widening world-view. Here the development of the “master” starts, where supervision may still be adequate.

– *Engagement*: once experience is gained in autonomous mastering, the challenge might be to perform increasingly creatively, perfectly and outstandingly in the profession itself. This demands an ever-increasing engagement with and into the relevant landscape(s). At the same time, the socio-cultural conditions (and constraints) of landscape development become more and more obvious, leading to increased engagement with other people, teamwork, teaching, lobbying and harmonising. Fine-tuning of the individual capacities and performance to those of the colleagues becomes predominant over individual acts. On this level intervention is a tool to warrant ongoing self-education, for example in professional organisations.

103. Van Mansvelt, JD (1990). *Education and training in organic agriculture. Agriculture II: Methodological aspects of appropriate human resource development and indications of their implementation*. In: Besson, JM: Biological Farming in Europe: challenges and opportunities. Swiss Federal Research Station/FAO, Bern; Van Mansvelt, JD (1992). *Human resource management in organic types of agriculture*. In: Koepke, U and Schulz, DG: Proceedings of the 9th International Scientific Conference of IFOAM, Wendel.

– *Dedication*: continuing the development of the motorative-conative capacities as indicated above, it becomes more and more possible to act according to the demands of the situation as a whole: eco-environmental, socio-economical, and cultural conditions of landscape development are now fully taken into account. Appropriate identification with the essence of the chosen landscape leads to convergence of one’s own interests with those of the partners at stake: human and natural, individuals and entities. The responsible and self-conscious individual gradually replaces the self-centred ego.

In the sequence presented above, the level of pure motoration gradually transits into conation, as the amount of consciousness and effective responsibility on all actions gradually increases with the years of individual, autonomous experience. Where the discussion on education of the affective domain was already obviously at stake in recent decades, the explicit education of the conative domain is essential for the century we now live in. The famous French philosopher (also minister of cultural affairs) André Malraux stated in the mid-1980s: the 21st century will be the century of ethics or it will not be at all. Just like before, here again it must be argued that not explicitly including this realm into educational objectives, but doing so only provisionally, can no longer be justified once one recognises that implicit ethics are incompatible with human emancipation. The success of this type of education will be reflected in the landscapes of the 21st century.

Using the degree of emancipation and internalisation of the cognitive, affective and motorative-conative capacities as a key to their comparison, Table 1 makes an attempt to integrate them.

Table 1: Scheme of the steps in three psychological domains of human education.

Domains→ Levels↓	Cognitive domain	Affective domain	Conative domain
Pre-emancipatory levels: emphasis on staff-initiated education	1. Knowledge	1. Receiving	1. Imitation
↓	2. Comprehension	2. Responding	2. Handling
Increasing internalisation of learning	3. Application	3. Valuation	3. Mastering
↓	4. Analysis		
Emphasis on student- initiated learning on the post-emancipatory levels	5. Synthesis	4. Organising	4. Engagement
	6. Evaluation	5. Characterisation	5. Dedication

It must be stressed that a scheme like this should not be taken as a strict, one-way, exclusive approach. It is meant as a tool to increase the awareness of gradients in

the process of learning, as a tool for understanding various levels in learning. This could structure human resource development education and training in such a way that it includes teaching both theory and practice in a way that includes the training of the affective domain. Especially the latter domain is important in landscape awareness, while concerning the real landscape.

6.2. Interacting dimensions of landscape

6.2.1. Landscape, a young concept for understanding and for management

The history of art shows that landscape has been a beloved subject of pictorial study since the renaissance. But the awareness that landscape is something that needs care has only recently developed.¹⁰⁴ The self-evidence of the landscapes as depicted by painters until the 20th century has given way to a growing public concern for the quality of our European landscapes that no longer develop in a self-evident way. How can this concern be transformed into activities contributing to responsible planning and management of landscapes? How can methods for landscape analysis and tools for landscape management be made compatible with the landscape demands of society? To be able to answer these questions within the perspective of awareness-raising and training, we first explore some conceptions of landscape, defined by the Explanatory Report of the European Landscape Convention,¹⁰⁵ as: “a zone or area as perceived by local people or visitors, whose visual features and character are the result of the action of natural and/or cultural (that is, human) factors. This definition reflects the idea that landscapes evolve through time, as a result of being acted upon by natural forces and human beings. It also underlines that a landscape forms a whole, whose natural and cultural components are taken together, not separately.”

6.2.2. The factual, the right and the real landscape

The concept of landscape includes several dimensions of reality:¹⁰⁶

– The *factual* landscape as object can be described and quantified in a cognitive and scientific way. It is the domain of geographers and landscape ecologists, integrating a wide range of natural sciences, and of civil engineers using this objective knowledge to guide their construction and management activities in landscape.

– The *right* landscape is the inter-subjective landscape on which we have opinions and to which we can attribute values. It is appreciated or depreciated, depending on the criteria as agreed upon within specific groups related to the landscape. In fact the word landscape in its German (Landschaft), Dutch (landschap) or Swedish

104. Zehnter, HC (2000). *In der Landschaft west der Himmel an*. In: Pedrolì, B (ed.) (2000): Landscape – Our Home/Lebensraum Landschaft. pp. 201-08.

105. Explanatory Report of the European Landscape Convention, Chapter I, Article 1, paragraph 37.

106. Jacobs, MH (2002). *Landscape, landscape and landscape: A threefold ontology*. Submitted.

(landskap) expression refers to the organisation of a group of inhabitants. The right landscape is the domain of action groups and non-governmental organisations, but also of politicians. It is studied by social scientists and forms the arena for those developing the social constructions that determine the future of the landscapes.

– The *real* landscape is the subjective landscape with which we have a personal connection, and which always plays a role in the background when speaking about landscape. It is the landscape of our youth, or the landscape for which we are ready to invest our spare time in practical involvement. It is described by painters and historical geographers, but is also the basis for our personal behaviour in landscape and for the artistic design of landscape architects. It is the landscape fully experienced as a whole.

Awareness-raising primarily concerns the third dimension of landscape, the real landscape, which has long been neglected in science and policy (“facts are facts, perception is reality”¹⁰⁷). The European Landscape Convention addresses this dimension explicitly, taking objective and inter-subjective concepts as starting points. Training and education in landscape appraisal and operations should consequently address all three dimensions.

Pagony, an initiative caring for landscape between man and nature

The Pagony Studio for Landscape and Garden Architecture was established in Budapest, Hungary, in the early 1990s, encouraged by István Kálmán. Pagony is actively elaborating ways to merge landscape phenomenology and ecology with the actual social structure of the place in its historical context. Individual initiatives, ideas and efforts are integrated into a landscape that is sustainably designed, maintained and continuously developed by a community living in that landscape.

Landscape is a living organism, a creature with its own character, identity and history. Approaching nature from this point of view helps to develop a personal relationship with the roots of the place, also in the design process with local governments and private owners. The creation of a five-village forum in the Dörögöd basin is a good example, bringing together the farmers, local governments, environmentalists, hydrologists, ecologists, historians, etc. and making them consciously share their preferences, objectives and points of view.

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6.2.3. The natural, the social and the cultural landscape

a. Motivation, a key for linking scientific disciplines

When “Babel of tongues” arises among representatives of different disciplines involved in landscape, perhaps a simple consideration could lead to a common understanding. This simple consideration is that all disciplines of all sciences have

107. Pinto Correia, T (2002). *Landscape identity, a key for integration*. In: Pedroli, B. (ed., 2000): *Landscape – Our Home/Lebensraum Landschaft*. pp. 145-49.

their roots in human beings that tried to understand a particular aspect of the world they share with their fellows. So in the end even the most sophisticatedly specialised disciplinary knowledge refers back to the world shared by all humans and nature. Human needs, human motivations, human interests are the starting point as well as the ultimate goal of sciences and the technologies derived from them.¹⁰⁸ And, as stated above, the landscape reflects the complex human motivations interacting with nature, which are based on the satisfaction of man's needs, according to man's appreciation and the available technology now and in the past.

The human motivations range from those centred in the somatic organisation (body), via those centred in the psyche (soul), to those of the mental potential (spirit). In this sequence they primarily connect the human being to the natural ecosystem environment (man to nature), to the social environment (human to human) and the cultural environment (human to inner-human or humane). Figure 1 gives an overview of these interacting motivations.

Discussing landscape planning and management in the perspective of the sustainable development of man and nature, it is crucial to be aware of the priorities among these motivations. As Maslow points out, the primary needs are those to keep the body alive (water, food, shelter), followed by those of social survival (a position in society and preferably also recognition). Only when these "lower" needs are sufficiently covered can come inner or spiritual development. However, at the same time, Maslow stresses that the ultimate humane motivation is the development of the inner individual potential, or the individual's hidden programme.¹⁰⁹ So in the human being and thus within society, there is a built-in polarity between the basic needs and motivations versus the ultimate needs and motivations. When stressed, this polarity becomes a paradox, although it can also be seen as a sequential gradient. In between the two a manifold of trade-offs can be found in two opposite directions. One is covering the social and psychological needs with increasing quantities of luxurious food and housing (materials) or covering the needs for spiritual development with socialising. This could be called a downward trade-off. The upward trade-off would then be to accept simple living conditions and a lower salary in order to have more time for social life. On the next level this could mean a limit to socialising in order to make time for inner development (concentration, contemplation, meditation). Far from advocating a fundamentalist approach to these trade-offs, it is deemed crucial to identify them and include them in education and training.

This reflection on the way society and we ourselves handle our motivations is particularly relevant when the shift to a sustainable development of the landscape is at stake – a shift that requires turning from maximum tolerable consumption levels to minimum required consumption levels of all limited resources.¹¹⁰

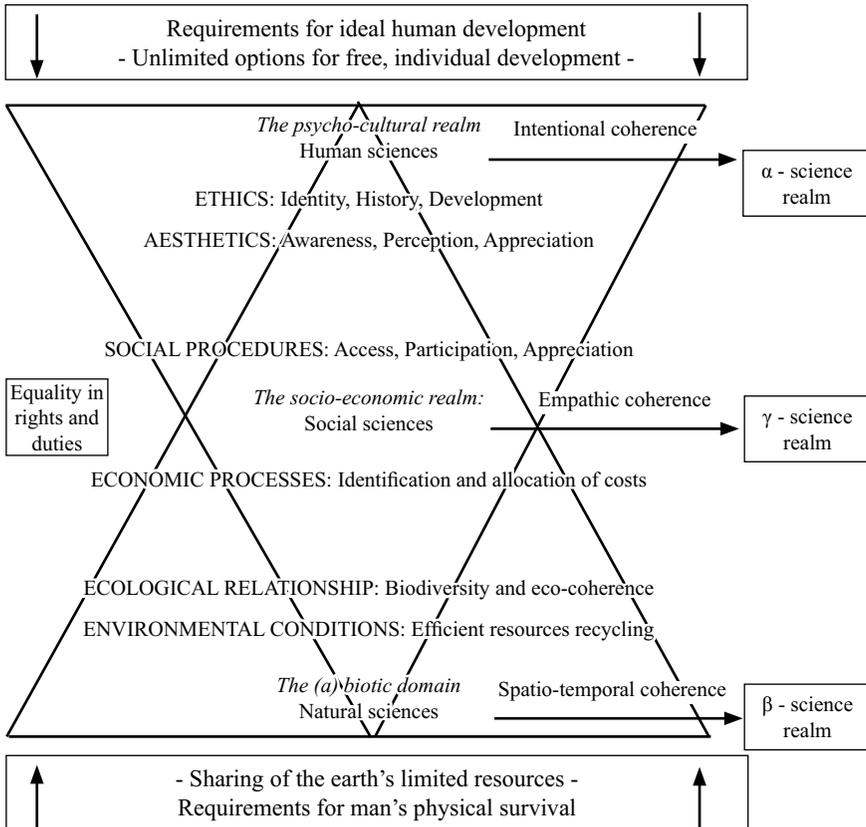
108. Maslow, AH (1970). *Motivation and Personality*. Harper and Row, New York.

109. Cornelissen, A (1998). *Logica van het Gevoel*. Essence, A'dam, 800 p.

110. Van Mansvelt, JD and Van der Lubbe, MJ (1999). *Checklist for sustainable landscape management*. Elsevier, Amsterdam-Lausanne, etc. 181 p.

Especially in the financially rich countries, the perspectives for a change to sustainable development of landscape as the basis for human livelihood should be taken seriously.¹¹¹ This again is a key issue for education and training towards our common future.

Figure 1: Maslow's triangle adapted to show requirements for physical and ideal development (from Van Mansvelt and Van der Lubbe, 1999)



b. Disciplines concerned

Besides as a key for prioritisation, Figure 1 may help to value the contribution of the various disciplines, each with their major strong points and minor weaknesses, in context. They actually need one another, each often presuming that the other sectors stick to business as usual when proposing their sector's best disciplinary solution to solve the problem perceived as part of their sector's responsibility.¹¹²

111. Daly, HE, Cobb, JB, and Cobb, CW (1990). *For the common good*. London, Greenprint, 198 p.; Perlas, N, (1999). *Shaping Globalization: Civil Society, Cultural Power and Threefolding*. Center for Alternative Development Initiatives, Quezon, 145 p.

112. Tress, B, Tress, G, Décamps H, and d'Hautesserre, A (2001). *Bridging human and natural sciences in landscape research*. *Landscape Urban Plann.*, 57 (3-4), pp. 137-41.

Environmentalists “own” the environment, ecologists “own” the ecosystems, economists the economy, sociologists the human interactions. In contrast to older strategies that argued in favour of the Machiavellian “divide and rule”, for the design and implementation of sustainable development it may be wise to go for “relate and serve”. This would mean facilitating the introduction of various disciplinary fields of expertise into interdisciplinary teams, starting in education and training. This facilitation would, however, require quite a revision of academic and governmental policies and cultures (education, professional ethics), appreciating interdisciplinarity and even transdisciplinarity in a much more proper balance to disciplinarity, and not least in terms of editorial policy, careers and salaries.¹¹³

Figure 2: Links between the needs of landscape and people (Van Mansvelt, 2001)

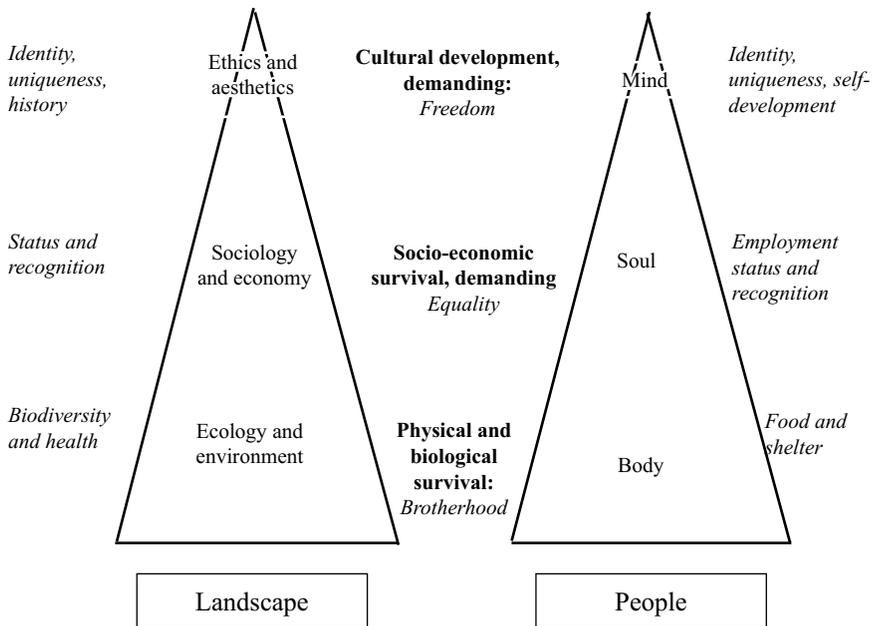


Figure 2 shows the application of the idea that “landscape reflects human needs” as proposed. Here, in addition to the previous figure, the needs of people and those of the landscape are presented in two separate triangles, each representing the double triangle of Figure 1. In the concept of both people and landscape, identity is at stake as an integrating essential principle. Both types of identity, though different in origin, demand respect, (historical) understanding and commitment to

113. Tress, B and Tress, G (2001). *Capitalizing on multiplicity: A transdisciplinary systems approach to landscape research*. *Landscape Urban Plann.*, 57 (3-4), pp. 143-57; Tress, B., Tress, G, Décamps, H and d’Hautesserre, A (2001). *Bridging human and natural sciences in landscape research*. *Landscape Urban Plann.*, 57 (3-4), pp. 137-41.

be managed in a way that is aesthetically, ethically and ecologically sustainable on the long run.¹¹⁴ Here it may be useful to look at ways to perceive systems and/or organisations that are experienced as having an identity.

6.2.4. On identity, character, culture and physical appearance

a. A comparison between landscape, companies and people

With regard to landscapes people talk about “genius loci” (the spirit of the place),¹¹⁵ but also about the character of the landscape (the complex of rural, urban, modern, traditional, natural and cultivated, poor and rich, etc.). Here the character refers to a set of values, an overall quality, whereas the identity refers to the individual uniqueness of this or that rural, forest, urban, seashore or remote mountain landscape. Identity is indicated by a name, character refers to an image. Two other realms of landscape can be discerned: the level of the ecosystem or organism wherein the various species interact in many ways with the environmental conditions in daily, seasonal and annual development cycles. Pollution, reclamation, restoration, reforestation and the like are processes occurring within the landscape as an organism. Human building activities or roads, houses, factories, theatres, schools, waste recycling stations, etc. figure in that same level that represents the “living” body of the landscape. And finally there is the level of the landscape as a measurable, touchable, physical result of the development processes that bring it about.

Now, what is interesting is that in the language of management and organisation development, similar levels of existence of companies can be found. First there is the corporate identity for the name of the company: its unique being. Then there is the character of the company, the image that it radiates to the consumers, the competitors and, last but not least, to the perception of its own staff. The identity is invisible as such, but appears in the outside world in the forms, colours, sounds, etc. of its label, designed by the PR section that has chosen to radiate the company’s character as the most attractive and impressive one. Then there is the layer of procedures, processes, and organised actions: business as usual, “the way we work” or “the habits of the company”. Some will call this the culture of the company. And finally there are the physical features of the company’s housing, transport and products. It will be clear that this is a rather rough description,

114. Bockemühl, J, Bosshard, A, Köhl, J, Pedrol, B, Seiberth, H, Van Elsen, T, Wirz, J and Zehnter H.-C (eds.) (2000): *Get Connected To Your Place! The Dornach Landscape Document, Abridged Version*. Discussion document prepared for and during the international conference “The Culture of the European Landscape as a Task” at the Goetheanum, Dornach, Switzerland, 6-9 September 2000. [German version in: *Natur und Mensch* 5: 56-59] Spiegler, A (2002). *Landscape identification. A guide to good practice*. ECOVAST, Europäischer Verband für das Dorf und für die Kleinstadt, Working Group on Landscape, Vienna, 19 p.

115. See Antrop, M (2000). *Where are the Genii Loci?* In: Pedrol, B (ed.) (2000): *Landscape – Our Home/Lebensraum Landschaft*. pp. 29-35.

which should be specified according to the products of the company: food, shoes, electronics, courses and lectures, consultancy, regional infrastructure, etc. But as a basic set of layers, each with their specific features, it can definitely serve increased understanding.

Finally, such a differentiation can be made in people as well. The identity of the individual reflects the person's essence, his ego or "I" with its inherent potential of transformation. Then there is the person's character, the way he or she appears and is perceived by the others in his or her performance toward the outside world. The character reflects the value system that it represents, the groups that it complies to, etc. And then there is the level of physiological processes underlying and supporting the individuals' psychology in the so-called psychosomatic interactions. Here health and disease, growth, ripening and ageing are at stake, with their counterpart-processes in the psyche. And then at last there is the physical body that carries and reflects the other levels.

b. Landscape: an instrument for human development

The landscape's *genius loci*, the company's corporate identity and the human "I" can be compared in the sense that they represent the essential factor determining the way the being is and develops. The landscape's character, the corporate image and the human psyche carry the identity allowing it to communicate with the others. The landscape's organism, the corporate culture and the somatic organisation of man allow the inspired souls to incorporate into the physical reality, changing it in a range of ecological, technological and metabolic processes. Finally, each of them can also appear as "static for the moment", as a materialised end product of the three other activity levels.

For the human organisation, notably in its inherent social context, it can be argued that individual freedom of development is crucial, and each individual has his or her own responsibility to structure that development according to his or her own potentials and intentions.¹¹⁶ Similarly, it can be argued that each individual has his or her needs for food, shelter, housing, etc., the physical needs for survival. Only, whereas in the sphere of psycho-spiritual development there are unlimited options for everybody to study, sing, meditate, dance, create (provided that hunger and danger are limited), the physical resources of the earth are limited and demand for a fair sharing according to each individual's real needs for survival.

So, as all individual organisms and organisations are unequal on their level of identity as well as on their level of physical life, yet living on one and the same earth in a certain period of time, it seems clear that a fair way of decision-making is needed on sharing. Here a system of equal rights and duties is needed to balance both inequalities in such a way that the limited resources are shared according to each individual's personal needs for survival and development, and that each

116. Budd, C.J. (1979). *Prelude in economics*. Johannus Academy of Sociology and Economics, West Hoathly 78 p.

individual’s personal needs for spiritual development are allowed and helped to flourish.

Companies and landscapes are, in this view, instruments for human development: physical, psychological and spiritual, as well as the results of those developments. It may be clear that unless education and training manage to open up the students’ minds and hearts for such notions as presented here, a focus on reckless competition for limited resources of all against all inevitably brings about unlimited fighting for survival, hidden in whatever rational reasoning and diplomacy. Landscape is already showing the signs of this competition.

c. Complementarity of research methods

Regarding the different routines, paradigms and opinions present in each discipline, major research instruments for each of the indicated fields of academia can be identified. For the human sciences the important awareness of ultimately individual experiences should be mentioned, which can of course be shared among mutually interested people. Here, paradigms, religions, arts, and stories are objects of observation and research. For the social sciences the crafts are crucial, as well as their validation in an essentially participatory context, whereas in the natural sciences research is focused on a detached, “objective” position, relying on analyses, calculation and statistics to assess the object’s relevance.

Here again, education and training should contribute to the awareness of the relevance, including the strong and weak points of the various research traditions, and how they can be extended to fit today’s demands for compatible integration of the disciplinary knowledge systems.

6.2.5. Compatibility of landscape perceptions

Summarising the above concepts related to landscape in their mutual compatibility, the following scheme of interacting landscape dimensions can be presented (Table 2). This scheme is an attempt to bring together compatible points of view on the landscape as a whole, as a basis for systems of landscape education and training that comply with the holistic approach of the European Landscape Convention.

Table 2: Summary of scientific concepts and landscape dimensions

Scientific and social principle	Area of primary validity	Appropriate norms derived from	Relevant dimensions of landscape	
Ethics People Human Sciences Freedom: exploring the unlimited options	Essence Ethics (incl. feeling and thinking) Aesthetics	Paradigm/ religion, arts, stories	Identity Character	Real landscape

<p>Economy Profit</p> <p>Social and Economic Sciences</p> <p>Equality: balancing the rights and duties</p>	<p>Appreciation</p> <p>Thinking and feeling</p> <p>Production</p>	<p>Participation</p> <p>Crafts, validation</p>	<p>Organisation</p>	<p>Right landscape</p>
<p>Ecosystem Planet</p> <p>Natural Sciences</p> <p>Fraternity: sharing the limited resources</p>	<p>Thinking</p> <p>Ecology</p> <p>Environment</p>	<p>Statistics</p> <p>Calculation</p> <p>Analysis</p>	<p>Physical appearance</p>	<p>Factual landscape</p>

6.3. Practical consequences

6.3.1. The power of examples

Many examples already exist where local communities have taken the initiative to organise landscape management. Text boxes in this paper give an impression of some examples.

Region-specific products of agriculture and local traditions appear to enhance the identification of inhabitants with their landscape. Visitor centres and promotion campaigns attract tourists and thus enhance the economic basis for landscape development. But most effective is still the involvement of citizens in the operations of maintenance and transformation of landscape. Increasingly, these citizens will have an urban style of life and feel responsibility for the development of landscape in a non-conventional way, since the traditional agricultural basis of landscape formation has, over large parts of Europe, lost its effectiveness.

In awareness-raising, attention for the effects of landscape degradation should always be accompanied by examples of how landscapes can develop their identity as living landscapes with region-specific values, carried by local communities. The Landscape Award planned by the European Landscape Convention should play an important role in identifying such examples. But also exchange of experiences and ideas between landscape initiatives, for example by setting up a website of active landscape groups, would enhance the success of campaigns for informing and educating the public. It would be desirable to develop a well-illustrated handbook on landscape management in Europe, on the basis of examples of successful initiatives for landscape management.

6.3.2. Basic information needed on relevant parameters

Knowledge management and availability of basic data (including an efficient clearing house function) are not only a prerequisite for awareness-raising, but also crucial for education and training in landscape appraisal and operations. Only based on good information is it possible to develop methodology for landscape typology,

management and planning.¹¹⁷ Special attention should be devoted to methodology that allows for European compatibility and at the same time encourages local diversification.¹¹⁸ In many countries methodology development has already started and it would be good to co-ordinate these developments as far as possible under the umbrella of the European Landscape Convention, to allow common objectives of education and training to be defined. Here again there is the challenge to merge the general knowledge and standard setting with the appropriate diversification that respects and even supports the development of local and regional particularities (identity).

Crane's Homeland

Every year in autumn, thousands of cranes gather on the agricultural fields and peat bogs near Tandom (in the north of the Moscow Region, Russia) on their migration southward. The large diversity in land use also attracts many other rare animal species. Since a large co-operative of natural and cultural heritage organisations takes care of the sustainable development of this cultural landscape, the area is increasingly being acknowledged as a valuable landscape by citizens and authorities. Large-scale reclamation of the remaining peat lands could be inhibited. A visitor centre (Ecocenter Crane's Homeland) has developed which is very active in organising educational camps for local and Moscow school children, who can participate in practical landscape management activities.

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6.4. Towards action

6.4.1. Questions and preliminary answers

a. Awareness-raising

- To develop a collection of examples of landscape initiatives throughout Europe complying with the intentions of the European Landscape Convention? This collection may be integrated in a website for the Convention? (http://www.coe.int/t/e/Cultural_Co-operation/Environment/Landscape/)
- To develop an inspiring book for landscape management with fine examples of good practice, paying attention to the territorial culture founded on the relationship between individuals and territory, linking it with the human rights aspect and with the consideration that landscape does not fulfil purely material but also spiritual interests?

117. Wascher, DM and Jongman, RHG (eds.) (2002). *European landscapes – classification, evaluation and conservation*. EEA, Environment Technical Reports, European Environment Agency, Copenhagen (in press); Van Mansvelt, JD and Van der Lubbe, MJ (1999). *Checklist for sustainable landscape management*. Elsevier, Amsterdam-Lausanne etc. 181 p.; Andrade, GI (2000). *The non-material values of the Machu Picchu World Heritage Site: from acknowledgement to action*. Parks, Vol. 10, No. 2.

118. Wascher, DM, Piore H-P and Kreisel-Fonck, A (1998). *Agri-environmental Indicators for Landscapes*. Paper developed as a contribution to the OECD Workshop on Agri-environmental Indicators on 21-24 September, York, UK, 1998, European Centre for Nature Conservation, Tilburg.

- To survey curricula for school children and for adult environmental education (including action camps in concrete landscape initiatives), enhancing the notion that the local population are the landscape experts most important for sustainable living landscapes of the future?
- To promote broadcasting and publication programmes supporting the intentions of the Landscape Convention?

Itineraries “people and landscapes”

The Royal Belgian Geographical Society has developed more than 30 one-day itineraries (Hommes et paysages) described in brochures to get acquainted with the landscape in an intelligent way, far from banal tourist exploitation.

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b. Training

- To develop curricula for interdisciplinary specialist training including landscape quality objectives?
- To survey, document and build upon training experience developed with NGOs active in the field of landscape?
- To organise international secondments to exchange experiences of officials between states?

c. Education

- To survey existing landscape education courses and promote exchange of ideas?
- To organise a network of university lecturers with the aim of promoting co-ordinated education?

6.4.2. Implementation

The suggested actions as an answer to the questions posed in the previous section are promising. However, to guarantee wide support among the member states, the readiness among the states and the relevant non-governmental organisations to act as actors for the actions defined should be surveyed. Once again, a start could already be made with an inventory of what activities already take place, which comply with the intentions of the European Landscape Convention.

Agriculture and landscapes

On the initiative of six farmers and three municipal delegates, concerned with the degraded cultural landscape encroached by forest in the Thur Valley around St. Amarin (Alsace, France), the Association Agriculture et Paysages was founded in 1996. After six years, the association consists of 30 farmer-members working about 1600 ha of commons, and several municipal delegates. It employs two officials and three specialised landscape management workers for the assistance of all farmer-members. The association

has returned to meadow more than 600 ha of overgrown land and takes an active role in organising public events like farmers' markets. Specific types of domestic animals (cattle, horses, goats) are bred and local products are successfully marketed. Much of the actions involve both farmers and local citizens, and the farmers are partly compensated for their landscape management efforts by local, regional, national and European Union authorities and partly through agri-environmental regulations. The association also plays a central role in the implementation of the district landscape plans within the framework of the Regional Nature Park Ballons des Vosges.

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6.5. Synopsis: the European Landscape Convention, a paradox?

The Landscape Convention seems to be characterised by the inherent paradox of providing common European guidelines for a diversified management of European landscapes. It is a challenge for those concerned with the future of the European landscapes, to bypass this paradox by strongly encouraging facilitation from above and by enhancing involvement from the bottom up, which should be crucial elements in public awareness-raising, training and education:

- base targets for landscape development on natural processes: know your factual landscape;
- develop awareness that landscape identity is and should be a reflection of current cultural processes: discuss the right landscape in the local community;
- achieve quality in the landscape by public involvement: act in your own real landscape on the basis of co-ordinated personal concern.

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7. Landscape and policies, international programmes and transfrontier landscapes

Michel Prieur, expert to the Council of Europe

“The Parties undertake to co-operate in the consideration of the landscape dimension of international policies and programmes, and to recommend, where relevant, the inclusion in them of landscape considerations.”

Article 7 of the European Landscape Convention

“The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.”

Article 9 of the European Landscape Convention

“The provisions of this Convention shall not prejudice stricter provisions concerning landscape protection, management and planning contained in other existing or future binding national or international instruments.”

Article 12 of the European Landscape Convention

Introduction

The first aim of the European Landscape Convention is to encourage states to introduce a national landscape policy that is not restricted to the protection of exceptional landscapes but also takes everyday landscapes into consideration. It further aims, through European co-operation, to create a genuine international impetus to reinforce the presence of the landscape as a value to be shared by different cultures.

The intention, then, is to promote the integration of the landscape dimension in international relations by taking advantage of the innovative nature of the European Landscape Convention. The inclusion of landscape considerations at major international meetings is by no means a foregone conclusion. It will be noted that Agenda 21, which resulted from the 1992 Rio Conference, made no specific mention of the landscape. The only references are indirect allusions to the landscape in Chapter 11 on deforestation and Chapter 36 on educating the public and raising awareness. There was no reference, either, to the landscape in the implementation plan of the World Summit on Sustainable Development held in Johannesburg in September 2002.

In reality the landscape must, like the other elements of the environment, meet the requirements of the principle of integration. According to Principle 4 of the Rio Declaration, the environment must constitute an integral part of the development process. That implies the integration of landscape policy into other policies not only at the national level but also at international level. The European Landscape Convention encompasses this principle.

This commitment can be taken as aiming primarily at the integration of landscape in national policies, but also the inclusion of landscape in states' international action.

Articles 7 and 9 of the Convention are an illustration of the requirement for integration at both European and international level. These two articles are formulated in such a way that they do not express a mere wish, but a genuine obligation, since the States Party to the convention "undertake" to co-operate or recommend (Article 7) or "undertake" to encourage and adopt (Article 9).

The requirement to integrate landscape into international policies and action is an innovation. We will endeavour to show that this is a real challenge for the States Party to the Convention which, once the Convention is in force, will necessitate the formulation of a common strategy in view of the multiplicity of international bodies that are directly or indirectly involved with the landscape. The States Party to the European Landscape Convention will also have to try to achieve compatibility among the multiple conventions which indirectly relate to the landscape, and thus become vehicles for the different messages contained in the Convention. The

principles, spirit and original concepts of the European Landscape Convention will need to be explained and transmitted to the various international bodies.

At the same time, European co-operation should lead to an increase in local transfrontier co-operation for landscape enhancement. This, too, will require the States Parties to exercise a degree of imagination to overcome the legal and practical obstacles which too often stand in the way of transfrontier co-operation, while at the same time availing themselves of the different international instruments that facilitate transfrontier action.

7.1. Integration of the landscape into international policies and programmes

Article 7 of the European Landscape Convention clearly expresses the need to integrate the landscape dimension into international relations in general. However, before studying the problem of how to bring about this integration, a preliminary question must be addressed: how does the European Landscape Convention relate to other conventions? This is because it is not possible to dissociate international policies and programmes from the legal instruments that support such policies.

7.1.1. Relationship with other conventions

The Convention contains one particular provision which partially deals with this issue in Article 12 “Relationship with other instruments”.¹¹⁹ This is not the place to undertake an exhaustive legal analysis of the relationship between international conventions, which is a very complex issue in public international law. Let us merely present the principles which are normally applicable and the clause expressly relating to compatibility, which facilitates the search for maximum effectiveness for landscape conservation.

a. The principle of the autonomy of treaties

In international law, treaties are autonomous and independent of one another. Unlike domestic law, international law has no hierarchy of legal standards. All treaties are placed at the same level of obligation, and theoretically no differentiation is made between bilateral and multilateral treaties. Multilateral treaties do not benefit a priori from any legal superiority, although where international policy is concerned, there is a tendency to give multilateral treaties a certain precedence, thereby introducing a political, if not legal, distinction between universal treaties and regional treaties. The only case in which agreements can be subordinated to one another is the case of protocols which clarify or complement a basic treaty. According to Professor Pierre-Marie Dupuy: “Each treaty is independent of all

119. Michel Prieur, “The relationship between the convention and other international instruments”, European Landscape Convention, Council of Europe Review, Council of Europe Publishing, *Naturoipa*, 2002, No. 98, p. 10.

others, being the expression of the will of the parties to achieve an aim which is peculiar to it. Once the conditions for its validity and entry into force have been met, it exists independently and produces the legal effects that specifically attach to it.”¹²⁰

However, this legal autonomy of treaties often comes up against obstacles. Conflict or incompatibility between treaties calls for co-ordination or conciliation mechanisms which result either from the application of guidelines on interpretation, or compatibility clauses based on the principles of the Vienna Convention on the Law of Treaties.

b. Guidelines on interpretation

When several treaties conflict, there are no imperative rules to resolve such conflict in international law. International law itself resorts to the classic principles of law, which are then considered simply to be guidelines on interpretation. As a rule, two well-known maxims can be applied. The first distinguishes general standards from special standards, giving preference to special standards: *lex specialis derogat lex generali*. The second establishes a time-based rule for the application of texts, stating that the most recent takes precedence over previous rules: *lex posterior derogat priori*. However, in order to be able to apply these, there must not be any clause which contradicts them, or any contrary will of the parties expressed in some form or another. Furthermore, the competing treaties have to be between the same parties.

International practice and case-law have not systematically established these guidelines inasmuch as the will of the parties can very easily contradict them.

The multiplicity and complexity of contemporary international conventions have undeniably changed the logic of rules of interpretation by multiplying the links between conventions. Although there is still no formal hierarchy among conventions, those which deal with the same general subject matter, such as the environment, do nevertheless constitute a group or family of conventions which call for a minimum of links and compatibility. So, for instance, there is considerable solidarity between treaties dealing with related subjects which will lead, not to one treaty being subordinated to another, but rather to their being conditioned by one another. This *de facto* dependence among treaties is no more than a logical requirement of consistency in international action, which is more often than not dispersed and scattered. Synergy among international bodies in environmental matters, which will in future be the dominant feature of all universal and regional international organisations’ programmes, entails synergy of the different conventions and, therefore, of the formal and informal mechanisms used to render them compatible.

¹²⁰ Pierre-Marie M Dupuy, *Droit international public*, Précis Dalloz, 1998, 4th ed., p. 275.

c. Compatibility clauses and seeking maximum effectiveness for landscape conservation

To achieve compatibility between related treaties there is the possibility of using either explicit compatibility clauses, or rules codified by the Vienna Convention on the Law of Treaties.

Compatibility clauses between treaties do not exist in all international instruments by any means. In environment-related matters, they are quite rare.¹²¹ Their content is very variable. They may be clauses:

- which oblige parties to withdraw from incompatible commitments;
- which place restrictions on entering into commitments in another agreement in the future;
- which recall that commitments entered into vis-à-vis third parties are not affected by the treaty;
- which express the common will to maintain rights and obligations resulting from treaties by which the parties are bound elsewhere;
- which make it possible for parties to withdraw from obligations which are already covered by another convention.

All these clauses correspond to a search for pure technical certainty of the law.

The clause contained in Article 12 of the European Landscape Convention is altogether different and appears to be rather original. It recognises the supremacy of other existing or future international conventions, provided that such conventions enshrine stricter provisions concerning landscape protection, management or planning. In other words, it affirms the primacy or pre-eminence of any treaty which is more demanding or more favourable than the European Landscape Convention where landscape matters are concerned. This kind of clause focuses on the substance and establishes the prime importance of the landscape as determined by the European Convention. This type of clause meets the requirement of maximum effectiveness regarding what the convention seeks to achieve.¹²² It necessarily follows, although in this case a contrario, that the parties affirm the pre-eminence of the European Landscape Convention over any other international instrument that contains provisions which are less demanding in matters of landscape and are therefore deemed to be incompatible. However, this pre-eminence would be of relevance only to States Party to the same treaties. This clause also has the

121. 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1992 Rio Convention on Biological Diversity, 1992 Helsinki Convention on the Transboundary Effects of Industrial Accidents, etc.

122. Philippe Weckel, *La concurrence des traités internationaux*, law thesis, Université Robert Schuman, Strasbourg, 1989, p. 356.

effect of overturning the rule *lex posterior derogat priori* in this case, because any future convention whose provisions were less favourable to the landscape would be incompatible.

The originality of the Article 12 clause is also due to the fact that it affirms the superiority of any rule that is more favourable to the landscape, whether that rule be contained in other conventions or in domestic law. In the latter case, Article 12 permits states parties to give precedence over the European Convention to their more favourable domestic law, which amounts to the classic formulation of community environment law whereby a member state can always apply stricter domestic measures where the environment is concerned. In this regard, Article 176 of the Treaty establishing the European Community generally provides that protective measures adopted by the Community shall not prevent any member state from maintaining or introducing more stringent protective measures. The reference to stricter domestic measures taking precedence over the convention can also be found in the 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals¹²³ and in the 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats.¹²⁴

The result of these formulations is that the criterion of compatibility is linked to the parties' assessment of whether the measures in question are "stricter" where the environment is concerned or not. This amounts to having to judge whether these measures are sufficiently "stringent"¹²⁵ to meet the general obligations of the convention. However, as we know, the convention does not only call for the "protection" of landscapes, it also imposes management and planning measures. This is why we feel, a priori, that Article 12 will not, in practice, be frequently invoked, because there will be few occasions when conventions are encountered which are stricter where landscape is concerned. On the other hand, the a contrario interpretation of Article 12 is likely to be used more frequently, because in many cases the European Landscape Convention will be in a position of taking precedence over another agreement or domestic provision which is less demanding where landscape is concerned.

The Vienna Convention on the Law of Treaties of 23 May 1969, which entered into force on 27 January 1980, endeavours to codify international law and practice in relation to treaties. It deals only partially with the issue of compatibility between treaties in its Article 30, which concerns the application of successive treaties on the same subject. These provisions could be applied only vis-à-vis other treaties also relating to the landscape. Consequently, everything depends on whether the

123. Article XII-3.

124. Article 12.

125. Article 24.2 of the Helsinki Convention on the Transboundary Effects of Industrial Accidents entitles parties to take "more stringent" measures by bilateral or multilateral agreement. The same expression is used in Article 4.8 of the Protocol of 18 June 1999 on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Waters and International Lakes.

landscape is a “subject” in itself or whether it is dealt with indirectly.¹²⁶ This means at least the UNESCO World Heritage Treaty and the 1982 Benelux Convention on Nature Conservation and Landscape Protection.

According to Article 30.4 of the Vienna Convention, two situations can be identified:

- in relations between a State that is Party both to the European Landscape Convention and to one of the other treaties on the landscape, and a State that is Party only to the European Landscape Convention, only the latter, to which the two States are Party, governs their mutual rights and obligations.¹²⁷ There is then a plurality of contractual communities or a series of contractual groups: states which are linked by both the European Landscape Convention and the other conventions and those who are linked only by the European Landscape Convention;
- in relations between States which are Party to both the European Landscape Convention and the Convention concerning the Protection of the World Natural and Cultural Heritage developed under the auspices of UNESCO (or, for Benelux countries, to the Benelux Convention), the latter, which are earlier, apply only in so far as their provisions are compatible with those of the European Landscape Convention.¹²⁸ This is the application of the posterior derogat priori rule.

In our view, these rules are not, in fact, truly applicable to the European Landscape Convention for the very good reason that it could be considered, at least where the Heritage Convention is concerned, that the two conventions, while having a similar aim, do not have an identical objective within the meaning of Article 30 of the Vienna Convention which refers to treaties dealing with “the same subject-matter”. The Heritage Convention is concerned with natural and cultural world heritage of exceptional value, whereas the European Landscape Convention applies to all landscapes and is not directly concerned with monuments of the cultural heritage. The scope of the two conventions and their objectives are not the same. From a legal viewpoint, therefore, the two treaties should be considered as not constituting successive treaties dealing with the same subject matter within the meaning of Article 30 of the Vienna Convention.

In fact, in view of the very innovative nature of the European Landscape Convention, the problem of its compatibility with existing treaties is still very theoretical. The Article 12 clause, which aims to maintain maximum effectiveness for landscape protection, will come into play only vis-à-vis any future treaties and,

126. On the list of conventions relating directly or indirectly to the landscape, see our study on the law applicable to landscapes in comparative law and in international law (Council of Europe, Congress of Local and Regional Authorities of Europe, report on the preliminary draft European Landscape Convention by P Hitier, CG (4) 6 Part II, Strasbourg 5 May 1997) and the Compendium of basic texts of the Council of Europe in the field of landscape, Council of Europe, T-FLOR 3 (2003) 3, Strasbourg 26 May 2003.

127. Article 30, paragraph 4-b.

128. Article 30, paragraph 4-a.

in particular, vis-à-vis present or future domestic law which must, in every case, be subordinated to the principles and rules of the European Landscape Convention.

7.1.2. Methods of achieving integration

The requirement to take account of the landscape dimension in international policies and programmes is rather novel. It is not common for international conventions to contain an invitation to promote their aims beyond the bodies of the convention themselves and, consequently, beyond the parties, in many cases. There is, however, one precedent which does not go as far as Article 7 of the European Landscape Convention, namely Article 19 of the 1985 Granada Convention which requires parties to encourage, within the framework of the international agreements to which they are party, European exchanges of specialists in the conservation of the architectural heritage. This is much more restrictive than Article 7, because it is limited to an integration which is only partial (only the exchange of specialists) and whose scope only extends to treaties.

Article 7 is more ambitious and consequently its implementation is much more complicated. Consideration needs to be given successively to when integration needs to take place and according to which mechanisms.

a. The international policies and programmes concerned

Three different circles of intervention can be distinguished: in the Council of Europe, in the European Union and in other international bodies.

In the Council of Europe

Even if the European Landscape Convention is open for accession to European states which are not members of the Council of Europe,¹²⁹ we may consider that all states parties will be a priori members of the Council of Europe. Consequently, it is initially in the different Council of Europe bodies that the landscape should be taken into account as a result of pressure from the parties. This concerns all Council bodies, from the Committee of Ministers to the Congress of Local and Regional Authorities of Europe (CLRAE), including the Parliamentary Assembly, the European Court of Human Rights and the European Committee of Social Rights or the conferences of specialist ministers, such as the European Conference of Ministers responsible for Regional Planning (CEMAT). Inasmuch as Article 7 does not limit itself to integrating the landscape into other international treaties, but rather targets all international policies and programmes, it is clearly within the framework of the many political and legal bodies of the Council of Europe that the landscape dimension will have to be incorporated.

In this way, the parties will be able to play an important motivating role within the Council of Europe in relation to European Cultural Routes, the Pan-European

¹²⁹ Article 14.1.

Biological and Landscape Diversity Strategy¹³⁰ and the work of the CEMAT Committee of Senior Officials. The organisation of international colloquies and seminars by the Council of Europe is also an opportunity to integrate the landscape by raising the awareness of the various actors.¹³¹ Finally, the preparation of a Draft European Charter on General Principles for the Protection of the Environment and Sustainable Development is another opportunity to advance the multiple contributions of the European Landscape Convention.¹³²

In the European Union

Numerous member states of the European Union have signed the European Landscape Convention. Considerable progress had already been made in integrating the landscape into Community environment policy. The word “landscape” has been in Community legislation since 1985¹³³ and is mentioned in at least six official texts: agricultural policy with agri-environmental measures,¹³⁴ in the nature protection policy with the natural habitats directive, and in the directives on the assessment of the effects of certain public and private projects on the environment and on the assessment of the effects of certain plans and programmes on the environment.¹³⁵ However, the landscape remains a secondary objective. The new principles of landscape policy set out in the European Landscape Convention are worthy of greater attention on the part of the Community bodies. The States Party to the European Landscape Convention who are also members of the European Union therefore have a motivating role to play, both in the European Parliament and in the Council of Ministers.

In Community policies the landscape has increasingly established a place for itself, in particular through Interreg¹³⁶ and Life Programmes. Nevertheless, it is the traditional view of the landscape that prevails. For instance, the Sixth Community

130. The integration of an action plan for European landscapes in the activities of the convention was foreseen at the strategy meeting of the Council in Geneva on 10-11 May 2001.

131. For example, the November 2001 Lisbon seminar “Landscape heritage, spatial planning and sustainable development”, Council of Europe Publications, European regional planning series, Strasbourg, 2003, No. 66.

132. Draft European Charter, CO-DBP (2003) 2, Council of Europe, 13 December 2002.

133. Regulation No. 797/ 85 of 12 March 1985 on improving the efficiency of agricultural structures, OJEC L 93/1 of 30 March 1985.

134. G Thomson, “La Communauté européenne et le paysage”, *Revue juridique de l’environnement*, 1993, No. 4, p. 541.

135. Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (*Official Journal* L 175, 05/07/1985, pp. 0040-0048); Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (*Official Journal* L 073, 14/03/1997, pp. 0005-0015); Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (*Official Journal* L 197, 21/07/2001, pp. 0030-0037).

136. See, for example, the inventory of landscape and cultural heritage of the Wadden Sea region, Lancelwad Project, Interreg II C, North Sea, 1999-2001.

Environment Action Programme¹³⁷ makes provision for a measure in favour of the landscape which is not expressed in the spirit of the European Landscape Convention. Provision is made to “promote the integration of conservation and restoration of the landscape values into other policies including tourism, taking account of relevant international instruments”. This wording, while promoting the integration of the landscape into other policies, limits itself to the aesthetic dimension, which is not the only dimension to be taken into consideration. The European Landscape Convention encompasses a reference to the social dimension through, in particular, the definition of landscape quality objectives which determine the landscape element of the day-to-day quality of life of the population.

In other international bodies

States which are Party to the European Landscape Convention are all members of the United Nations and, as such, participate in the activities of the United Nations Environment Programme (UNEP), in the Commission on Sustainable Development and in numerous other international organisations, including in particular the FAO and UNESCO. Whether we are talking about conferences of parties to universal conventions on the environment which are closely related to the landscape (Convention on Biological Diversity, Ramsar Convention, Convention concerning the Protection of the World Natural and Cultural Heritage, Convention against Desertification) or major conferences on the environment and sustainable development such as Rio in 1992 and Johannesburg in 2002, there is no shortage of opportunities to enhance the contributions the European Landscape Convention can make.

Many States are Party to the Landscape Convention and to numerous regional conventions. At the conferences of the parties to these regional conventions, they will find an opportunity to put Article 7 of the European Landscape Convention into action. The landscape is often already mentioned in a number of regional conventions. But it is simply mentioned as an element of the environment or referred to along with other public policies which have no specific content and define no particular strategy. For example, the Aarhus Convention, the Barcelona Convention and its protocols on the Mediterranean Sea, the 1994 Alpine Convention and the Chambéry Protocol on Nature Protection and Landscape Conservation, the Benelux Convention on Nature Conservation and Landscape Protection, the Nordic Convention on the Environment and the most recent of the regional conventions, on the Carpathians. This last-named convention, which was signed in Kiev in 2003, relates to the protection and sustainable development of the Carpathians. It provides for a policy of conservation, sustainable use and restoration of biological and landscape diversity and integration into other policies¹³⁸ and targets the landscape for sustainable tourism.¹³⁹ However, landscape

137. Decision No. 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the 6th Community Environment Action Programme (OJEC L 242 dated 10/09/2002).

138. Article 4.

139. Article 9.

is not defined and no landscape strategy is put forward. The contribution of the European Landscape Convention will therefore be fundamental to breathe life into the concept of landscape and to guide actions or decisions formulated in all regional forums with responsibility for implementing regional conventions.

b. The mechanisms that need to be put in place

The European Landscape Convention commits states to integrate the landscape dimension into international policies and programmes. This commitment poses at least two questions: what is the landscape dimension and how can integration be achieved?

One might think that “taking account of the landscape dimension” is a compact formula which expresses the idea either that the landscape needs to be brought to the fore when it had been forgotten as a value to be taken into consideration, or that the ways and means of taking account of the landscape need to be developed and explained when it was merely mentioned. In the first case, the parties will have to pay attention to international actions and programmes which, probably unintentionally, will forget the landscape dimension in their proposals. It will then be necessary, in referring to the European Landscape Convention, to insist on the need to take account of the landscape as an ecological, cultural, social and economic value. In the second case, the landscape may be mentioned, but in terms, or through references, that do not correspond to the spirit or to the letter of the European Landscape Convention. In this case, it will be necessary to highlight the concepts that are contained in the convention in order to show that they meet the modern-day demands of the population and integrate perfectly into the conditions for sustainable development.

There will be no lack of opportunity to put Article 7 into effect. However, the parties will have to demonstrate political will and imagination to achieve any success in integrating landscape into the many international policies and programmes in which they are involved. We already know how difficult it is to achieve integration into national policies as provided for in Article 5.d. It requires not only a shared awareness of the heritage value of the landscape, but also co-ordination and intervention mechanisms to allow those responsible for landscape policies to have their say in decision-making. On a different scale, the same applies to integrating landscape into international bodies: Article 7 commits the parties to “co-operate” and “recommend”. This involves devising mechanisms adapted to the procedures of each of the bodies or organs concerned. It is impossible, from a legal or institutional point of view, to formulate precise proposals here. The mechanisms that need to be put in place will have to correspond exactly to the operational methods of each of the institutions concerned.

We can nevertheless make some general suggestions. In order to be able to “co-operate”, the parties will have to organise themselves. This means, first, that in the bodies that will be set up to monitor implementation of the convention as provided

for in Article 10, the committees of experts will have to ensure that monitoring the implementation of Article 7 is on their agenda by proposing strategies adapted to the international programmes concerned. A strategy could be worked out in this respect, together with priorities. For example, one could imagine a strategy devised to ensure that the principles of the European Landscape Convention are more systematically integrated into Community law. The best integration would be to decide, once the convention had entered into force, to invite the European Community to accede to the convention as provided for in Article 14.1. Preparations should be made for this initiative and Article 7 is the perfect tool to facilitate these preparations. Similarly, specific co-operation should take place at institutional level between UNESCO and the Council of Europe on the basis of Article 7 of the European Landscape Convention and Article 13.7 of the Convention concerning the Protection of the World Cultural and Natural Heritage.

The committees of experts referred to in Article 10 will also have to set up ad hoc “landscape” groups or committees, bringing together the states party to other conventions so that they can organise their co-operation in advance according to the specific nature of these conventions and draw up a strategy for action. This means that an Aarhus Convention “landscape” monitoring committee, a UNESCO Convention “landscape” monitoring committee, an Alpine Convention “landscape” monitoring committee, and so on, could be set up.

“Co-operating” will then make it necessary to make provision, on the occasion of conferences of parties to other conventions, whether universal or regional, or at general international forums, for the parties to the European Landscape Convention to take the initiative to call a meeting of their ad hoc “landscape” committee in order to agree more specifically which positions to take and proposals to make. These “landscape” committees would be not only pressure groups to ensure that adequate account is taken of the landscape, but also ambassadors on behalf of the European Landscape Convention. As is customary, the secretariat of the Landscape Convention should also participate in these meetings.

Article 7 requires parties not only to “co-operate” but also to “recommend”. For instance, the parties to the Landscape Convention are invited to formulate proposals which could be included in the decisions or recommendations of the bodies or programmes in which they participate. We can see here the extent to which Article 7 is indissociable from Article 12, studied above. The compatibility of conventions will be a direct result of the monitoring and co-ordination undertaken by the states parties. De facto, the European Landscape Convention will take on an increasing importance, giving it a certain fundamental pre-eminence over other conventions because, as it is the only convention which is substantively cross-disciplinary, it is the only one which is able to serve as a guide for national and international policies on landscape.

Consequently, the European Landscape Convention could influence international policy on the environment, sustainable development and regional planning.

7.2. Transfrontier landscapes

Article 9 of the European Landscape Convention provides for specific transfrontier co-operation on the landscape. This is an important focus of European co-operation.

According to the Explanatory Report:¹⁴⁰ “This article requires the parties to set up transfrontier programmes for the identification, evaluation, protection, management and planning of landscapes which straddle borders. In doing so, they are asked to rely as far as possible, in accordance with the subsidiarity principle defined by the European Charter of Local Self-Government, on local and regional authorities, and to use the implementation tools advocated in the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities in Europe of 21 May 1980 and its additional protocols.”

There are many opportunities for transfrontier co-operation and what often happens in this field is that practice precedes laws. However, for several years, international treaties and Community directives have provided a legal framework for transfrontier co-operation.

Such co-operation may take account of the landscape directly or indirectly, and permanently, through ad hoc legal instruments. However, provision must also be made for occasional transfrontier co-operation, for a specific project or programme, within which the landscape may be able to play an important role.

7.2.1. Permanent instruments for local and regional transfrontier co-operation

There is an ample arsenal of legal support for transfrontier co-operation. Besides the numerous private agreements or informal practice, instruments of public international law are supported by bilateral agreements between neighbouring states. The landscape is only indirectly involved in the few agreements that relate to protected transfrontier open spaces.¹⁴¹

To facilitate co-operation between local and regional transfrontier authorities, the Council of Europe encouraged the drafting of a European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, which was opened for signature in Madrid on 21 May 1980 and entered into force on 22 December 1981. It has been ratified by 31 states, 21 of which have already signed the Landscape Convention, which should facilitate the extension of this type of co-operation. All States Party to the European Landscape Convention should undertake to ratify it in order to facilitate the implementation of Article 9. The purpose of the Convention is to regulate neighbourly relations across frontiers and apportion powers among the public authorities. It is accompanied by a series of

140. Explanatory Report of the European Landscape Convention, Chapter II, Article 9, paragraph 65.

141. Julien Prieur, *Développement durable des espaces naturels protégés et coopération transfrontalière*, DESS dissertation, CRIDEAU-CNRS-INRA, Université de Limoges, France, 2003.

annexes in the form of model agreements for use by states. The additional Protocol to the Outline Convention, opened for signature in November 1995, concerns the legal personality of transfrontier working communities and the legal value of their acts. Among the model inter-state agreements, the one on regional transfrontier consultation refers to nature protection and the sites to be protected, while that on the creation of transfrontier parks expressly concerns co-operation in the area of the landscape, as does the model agreement on the creation and management of rural transfrontier parks, which concerns the maintenance and improvement of the natural landscape and its specific nature. The maintenance and improvement of the natural landscape and its specific nature are also the subject of the model agreement on the creation and management of transfrontier parks by associations governed by private law. Since all of these models are merely examples, it is quite possible to include the landscape in them and to make provision for common landscape enhancement programmes in accordance with the guidelines set out in the European Landscape Convention.

Whether or not based on the Outline Convention, numerous transfrontier co-operation agreements already exist.¹⁴² For example, the 1986 Benelux Convention on Transfrontier Co-operation between Territorial Communities or Authorities, the Agreement between Denmark, Finland, Norway and Sweden of 26 May 1977, the German-Dutch Convention on Territorial Community Transfrontier Co-operation. A recent agreement implementing the Madrid Outline Convention was signed in Brussels on 16 September 2002 between France, Belgium, the French Community, the Walloon region and the Flemish government on transfrontier co-operation between the territorial communities and local public bodies.

Despite this considerable progress facilitating transfrontier co-operation, it must be acknowledged that environmental problems, and landscape problems in particular, rarely constitute the subject of such co-operation. In the list of areas of co-operation, although the environment and spatial planning are mentioned, with the exception of agreements relating to transfrontier parks or reserves, the landscape is not the subject of any specific agreements in the sense of being the particular focus of co-operation (which does not mean that there are none at all).¹⁴³ A contract was signed on 7 July 2000 between two regional bodies in Hungary and Slovakia in the basin of the Rivers Sajó and Rima setting up regional frontier co-operation. The preamble to the contract makes express reference to the need to improve nature and landscape protection but does not spell out how co-operation in relation to the shared landscape can be developed.

It is also appropriate to mention the Initiative on the Sustainable Spatial Development of the Tisza/Tisa River Basin signed by the Ministers responsible for regional planning of Hungary, the Slovak Republic, Romania, Serbia-Montenegro

142. See the list in the Handbook on transfrontier co-operation for local and regional authorities in Europe, Council of Europe Publication, Transfrontier Co-operation in Europe, No. 4, 3rd ed., Strasbourg, 2000, p. 75 *et seq.*

143. See list of agreements, *op. cit.*, note 13, p. 26.

and Ukraine at the 13th European Conference of Ministers responsible for Regional Planning (CEMAT) in Ljubljana on 16 September 2003, whereby the parties agree to take particular account of the provisions in the Guiding Principles for Sustainable Spatial Development of the European Continent concerning the specific territory of river basins and alluvial valleys, and in particular the protection of fragile ecosystems and landscapes.¹⁴⁴

The European Landscape Convention should provide an opportunity to give new impetus to transfrontier co-operation by encouraging States and local authorities to share their experiences and enter into new agreements devoted exclusively to common landscape programmes, in line with the provisions of Article 9 of the Convention.¹⁴⁵

It would be helpful to draw up a new model agreement for states to use which would embody the principles and guidelines of landscape policy as laid down in the European Landscape Convention. A joint working group from the two secretariats of the Madrid and European Landscape Conventions could, within the Council of Europe itself, give true operational synergy to the two conventions.

7.2.2. Ad hoc transfrontier co-operation

It appears that the development of procedures relating to transfrontier impact studies will, in the future, be a more reliable means of taking account of transfrontier landscapes than institutionalised co-operation through permanent agreements. Obviously impact studies are an ad hoc intervention, which do not go any way towards monitoring landscape management and planning as required by the European Landscape Convention. At best, they may constitute an opportunity to provide some protection, occasionally avoiding irreversible deterioration.

Although, unfortunately, the convention does not call for impact studies to take direct account of effects on the landscape, it is certainly the intention of those responsible for drafting the convention to encourage states to take such measures under the terms of Article 6.E. Paragraph 61 of the Explanatory Report makes express reference to impact studies taking the landscape into consideration. It can therefore be presumed that this requirement is also implicit in the context of transfrontier landscapes.

144. Landscape protection, management and planning are included in the programme of work and action for implementation of the initiative. See also the Declaration on co-operation concerning the Tisza/Tisa River Basin adopted by the Ministers responsible for Regional Planning of Hungary, the Slovak Republic, Romania, Serbia-Montenegro and Ukraine at the 13th Session of the European Ministers responsible for Regional Planning (CEMAT) held in Ljubljana on 16 September 2003 (see *13th European Conference of Ministers responsible for Regional Planning (CEMAT), Proceedings*, Ljubljana, 16-17 September 2003, Council of Europe Publishing, European Spatial Planning and Landscape Series, 2003, No. 71, 510 p.)

145. In the same spirit and, more generally, UNESCO, in the context of the "Cultural Landscapes" Workshop for the 30th anniversary of the World Heritage Convention, extended an invitation to "establish a solid legal framework for transfrontier initiatives and co-operation between local authorities", Report, World Heritage 2002, Paris, 2003.

Recent developments in international law relating to impact studies reinforce impact studies on projects that have a transfrontier impact. However, it is always national impact studies which encounter the greatest difficulties in terms of satisfactory implementation.

a. Extension of transfrontier impact study procedures at European level

This extension is the result of the combined action of Community law and the Espoo Convention, complemented by the Kiev Protocol.

Community law

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment contains an Article 7, which is devoted to the procedure to be applied when a project has presumed effects in another member state. These provisions are reinforced by Directive 97/11 EC of 3 March 1997.¹⁴⁶ Recital 12 justifies this transformation as follows: “Whereas it is desirable to strengthen the provisions concerning environmental impact assessment in a transboundary context to take account of developments at international level ...”.

Although impact studies are imposed only for projects which are likely to have major effects on the environment, when they do have to be undertaken, they have to take the effects of the project on all elements of the environment, expressly including the landscape, into consideration. Even if no specific impact study is undertaken, one can rest assured that, under the control of the public, the administration and the courts, the landscape will be taken into consideration. Even more account will be taken of it if, happily, co-operation between the two states concerned has already jointly determined the landscape quality objectives of the site, or if a common development programme has been developed.

The procedure to be applied has three phases: initial information provided spontaneously by the state of origin or requested by the affected state “as soon as possible and no later than when informing its own public”;¹⁴⁷ express declaration by the affected state of its intention to participate in the procedure within a reasonable time determined by the state of origin; consultation between the states concerned, which shall together determine the time frame for the consultation. The purpose of consultation is to study potential transboundary effects and measures envisaged to reduce them. The public and local authorities concerned must be given an opportunity to participate in these procedures, to which end they must have access to the information exchanged between the states within a reasonable time and be able to forward their opinion to the competent authority before the project is authorised.

¹⁴⁶. In particular because of the Community’s accession to the Espoo Convention on 25 February 1991.

¹⁴⁷. Article 7 of the Directive No. 85/337 /CEE, 27 June 1985.

A notable extension of this procedure is provided by Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, applicable in member states on 21 July 2004. Inasmuch as these plans necessarily have long-term effects on the landscape, particularly where they concern spatial and environmental planning, the landscape is directly concerned by this new instrument for the prevention of any adverse impact on the environment.

The Espoo, Helsinki and Kiev Conventions

The United Nations Economic Commission for Europe has fostered a number of international conventions with a view to promoting the peaceful prevention of international conflict arising out of problems associated with the environment. The Espoo Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991 entered into force on 10 September 1997. It regulates the activities of numerous states, including some parties to the European Landscape Convention. Again, the landscape is mentioned here as an element of the environment.¹⁴⁸ In addition to activities which are always the subject of an impact study, listed in Appendix I, the parties may enter into discussions in relation to other activities which, in the view of the affected state, are likely to have a significant adverse transfrontier impact.¹⁴⁹ The criteria for determining significant adverse impact are set out in Appendix III. This lists particularly sensitive areas and sites of scientific, archaeological, cultural or historical interest, which necessarily include the landscape. Implementation of the mechanism involves specific national measures which must, furthermore, be harmonised in the two neighbouring states. To this end, Article 8 makes provision for specific bilateral agreements between neighbouring states. The first appraisal, given at the Second Conference of the Parties in Sofia in February 2001, revealed only one agreement (of 14 March 1997) between Latvia and Estonia on the assessment of environmental impact in a frontier context. In other regions, agreements are in the negotiation or experimentation stage (Estonia-Finland, Austria-Hungary, Netherlands-Germany and Netherlands-Flanders).

The Helsinki Conventions of 17 March 1992 concern transboundary watercourses and international lakes and the transboundary effects of industrial accidents. These two conventions also make provision for impact studies, and their implementation requires co-ordination with the more general, but earlier, Espoo Convention.

Finally, the Protocol to the Espoo Convention, signed in Kiev in May 2003 by 35 states and the European Community, deals with the assessment of the environmental impact of strategic decisions. It is guided by the Community directive of 27 June 2001 and makes provision for a procedure similar to the Espoo procedure. Here

148. Article 1, paragraph 7.

149. Article 2, paragraph 5.

again, frontier landscapes are directly involved,¹⁵⁰ and their future conservation will require special attention.

b. Difficulties of implementation

Faced with the ubiquity of transfrontier impact studies, states appear to be somewhat confused. They have to adapt their domestic law to take account of impact studies by instituting procedures to permit the participation not only of neighbouring states and local authorities but also of populations, and, in addition, they have to negotiate bilateral agreements to harmonise national procedures.

Discrimination and inequalities between states should be avoided. Indeed, agreements must reflect reciprocity and equivalence. The problems that arise are those of information and consultation periods, of the language(s) to be used and the translation of complex documents, of whether or not impact studies should be routed through foreign ministries, of additional costs which will have to be borne by the applicant. Differing views of the content of the impact study can affect the extent to which the landscape is taken into consideration by each state.

Examples of incorporation of Community directives into national law reveal a number of different solutions to this. In the Netherlands, interesting practical measures have been inserted into the law on management of the environment: at the request of a neighbouring country, translation of the announcement of the impact study and publication in a journal; transmission of the study by the Minister for the Environment; period of four weeks for comments to be made. In Germany, the consultation period is determined by mutual agreement and may not exceed three months. The competent authority may require the applicant to provide a translation of the summary of the study, provided the other state respects the principle of reciprocity. In the Walloon region of Belgium, the Decree of 4 July 2002 implements both the Directive and the Espoo Convention. It makes an interesting distinction with regard to Walloon projects having an impact on other regions and projects of other regions having an impact on Wallonia, but makes no provision for the translation of documents or for the participation of the public of regions outside Wallonia. In Portugal, it is the Minister for Foreign Affairs who forwards the information. The affected state has 30 days in which to respond. In France, following the Decree of 20 March 2000, it is the Prefect who forwards the dossier to the authorities of the neighbouring state, after having informed the Minister for Foreign Affairs.¹⁵¹

An interesting experience aiming at harmonisation of national procedures has resulted from trilateral co-operation between Germany, the Netherlands and Denmark in the border area of the Wadden Sea. A summary, in English, of the preliminary note giving notice of a project is posted on the Internet and addressed

150. Article 2, paragraph 7 and Annex III, paragraph 8.

151. For Greece, see Georgios Papadimitriou and Petros Patronos, *The implementation of the Espoo Convention, an Hellenic approach*, Ant. Sakkoulas, Athens and Bruylant, Brussels, 2002.

to the competent local and national authorities. The impact study is forwarded on request; responsibility for its translation lies with the party requesting it. In view of the differences that exist between the laws of the three countries, it is planned to further reinforce and improve the exchange of transfrontier impact studies.¹⁵²

Given these difficulties, it is apparent that it will be essential, in the future, to harmonise the law on transfrontier impact studies and transfrontier landscape policy. Initially, the States Party to the European Landscape Convention should draw up recommendations on transfrontier landscape policy. Then, there should be co-ordination between the member states of the European Union and the states party to transfrontier conventions in order to place the landscape properly in the different transfrontier impact studies. It would be desirable if the formula of “landscape” committees, referred to above, were used. Finally, the parties should themselves be the prime movers of bilateral agreements on transfrontier impact studies, which alone can provide a genuine legal guarantee with regard to information and the participation of the population in the realisation of impact studies.

The recognition by the European Landscape Convention of public participation in landscape policy cannot be limited to national frontiers. It is clear that the implementation of Article 9 on transfrontier landscapes must also meet the general obligation of adequately securing such participation, especially as it is also inherent in the law on impact studies. Although transfrontier impact studies are, in fact, national impact studies which have an effect in other countries, public participation must be organised in such a way that the public of other countries can benefit from the same guarantees as the domestic public. Providing adequate information on landscape matters is, therefore, essential.

There is also a need to ensure synergy in the mechanisms of transfrontier impact studies and the rights recognised by the Aarhus Convention. There is a link between Espoo and Aarhus in that the latter refers to impact studies and specifically to the assessment of transfrontier impact on the environment in Article 6.2 in relation to the information to which the public is entitled during the decision-making process. Similarly, the minimum relevant information required by Article 6.6 of the Aarhus Convention ties in with the information to which Espoo refers. If a particular transfrontier activity is subject to both conventions in two states parties, the Aarhus Convention and its Article 6 will apply in preference to the Espoo Convention, because it stipulates more detailed obligations.

Conclusion

In order to facilitate the implementation of Article 7 of the European Landscape Convention, it would be appropriate to:

– organise within the Council of Europe a co-ordination unit to permit integration of the landscape into the organisation’s activities and programmes;

152. Official declaration of the Wadden Sea Tripartite Conference adopted at Esbjerg in 2001, paragraphs 50-53.

- formulate a general strategy for including the landscape in international plans and programmes;
- set up ad hoc “landscape committees” with responsibility for formulating specific strategies for including the landscape in each universal and regional convention involving the landscape in some way and to which a number of the parties to the European Landscape Convention are party;
- invite the states parties to meet at conferences of parties to such conventions to consult on common proposals in the spirit of the European Landscape Convention;
- formulate strategies for including the landscape in international programmes in which the Council of Europe participates;
- invite Member States of the European Union to co-ordinate their action through a landscape committee of members of the Union, the better to integrate landscape into Community policies and Community law on agriculture and the environment;
- prepare the invitation to the European Community to accede to the European Landscape Convention;
- make preparations to negotiate a co-operation agreement with UNESCO on the landscape.

To facilitate the implementation of Article 9 of the European Landscape Convention, it would be appropriate to:

- encourage all states parties to ratify the Madrid Outline Convention on Transfrontier Co-operation in order to facilitate the implementation of transfrontier landscape policies;
- set up a joint working group between the Secretariats of the Madrid Convention and the European Landscape Convention;
- draw up a new model transfrontier co-operation agreement devoted exclusively to landscape issues;
- formulate general recommendations on transfrontier landscape policies;
- set up landscape committees for the parties to the Espoo and Helsinki Conventions and to the Kiev Protocol to facilitate their compatibility with the European Landscape Convention;
- formulate recommendations for transfrontier impact studies to take account of the landscape;
- draw up model bilateral agreements on transfrontier impact studies;
- encourage states parties to draft domestic legislation appropriate to transfrontier areas.

8. Landscape and public participation

Michel Prieur and Sylvie Dourousseau, experts to the Council of Europe

“Each Party undertakes:

[...]

c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph b above;”

Article 5.c of the European Landscape Convention

“D. Landscape quality objectives

Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.”

Article 6.D of the European Landscape Convention

Introduction

The European Landscape Convention is the first and only international treaty devoted exclusively to the protection, management and enhancement of all European landscapes. Signed at Florence on 20 October 2000, it requires the states concerned to define a genuine landscape policy in partnership with the public. In particular, Article 5.c of the convention provides that “each party undertakes to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph *b* above”. Article 6.D adds that “Each party undertakes to define landscape-quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.”

In this sense, the European Landscape Convention is an extension of the Aarhus Convention of 25 June 1988 on access to information, public participation in decision-making and access to justice in environmental matters, to which it refers in its preamble.

However, there are a number of comments that need to be made concerning the wording of Articles 5.c and 6.D of the Convention, which are specifically devoted to public participation.

In the first place, the term “public” should be taken to mean civil society in the broad sense, excluding local and regional authorities and other interested parties, referred to elsewhere.

Secondly, it is clear that the participation of the general public must be visible both in the definition of landscape policy and also in the implementation of this same policy. These are two quite distinct levels. Furthermore, the public must participate in the definition of landscape-quality objectives. The concept of consultation referred to in Article 6.D must not be such that involvement will be minimal.

Bearing in mind these preliminary observations, this study on public participation in landscape matters in the context of the implementation of the European Landscape Convention will seek in turn to:

- identify the requirements of the European Landscape Convention with regard to public participation;
- study in parallel the requirements of the Aarhus Convention with regard to public participation;
- analyse the applicable legislation on participation in certain European states;
- put forward proposals to improve public participation in landscape protection, management and planning.

8.1. The requirements of the European Landscape Convention with regard to public participation

The definition of landscape set out in the European Landscape Convention, in common with the definition used by some international bodies, stresses humankind's relationship with the environment.

According to the Council of Europe, landscape means “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”.¹⁵³

Similarly, for the World Conservation Union (IUCN), “the harmonious interaction of people and nature over time has produced an area of distinct character which makes it possible to identify the areas to be protected, in particular for their landscape interest”.¹⁵⁴

Finally, applying the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972, “the term ‘cultural landscape’ embraces a diversity of manifestations of the interaction between humankind and its natural environment”.¹⁵⁵

It is therefore logical and indisputable that humankind, as a factor in the identification of landscape, should also be involved in its protection, management and enhancement. Indeed, in the preamble to the European Landscape Convention, the member states of the Council of Europe express their desire to “respond to the public's wish to enjoy high quality landscapes and to play an active part in the development of landscapes”.

With this in mind, Articles 5.c and 6.D of the European Landscape Convention highlight the need to put in place procedures for participation. More specifically: “The reason for the European Landscape Convention's insistence on the participative approach is a desire not so much to fall in with prevailing fashion as to give legal recognition to the special features of landscape. Landscape exists because it is visible. A landscape policy which involved only experts and administrators, who themselves are often specialists, would result in landscapes that were imposed on the public, just as in the days when landscape was produced by and for an elite. Democratisation of the landscape is not just a question of the new scope which the European Landscape Convention introduces; it is also reflected in this collective and individual appropriation of all landscapes, through the requirement that there be direct participation for all in all phases of decision-

153. Council of Europe, European Landscape Convention, Article 1, Definitions.

154. The World Conservation Union (IUCN), “Management guidelines for IUCN category V protected areas – protected landscapes/seascapes”, September 2002.

155. *Cultural Landscapes from Operational Guidelines to the World Heritage Convention* (UNESCO, 1999), paragraph 37.

making regarding landscape alteration, supervision of landscape evolution and prevention of reckless landscape destruction.”¹⁵⁶

The explanatory report annexed to the European Landscape Convention specifies the aims of this participation. With regard to Article 5.c, it stresses the need to “lay down procedures for participation by the general public, local and regional authorities and other interested parties in the formulation and implementation of these policies. Landscape is an issue which affects the whole population and care for the landscape requires collaboration between a wide range of individuals and organisations”. In addition, with regard to Article 6.D, the explanatory report states that “this paragraph requires parties to set quality objectives for the landscapes which have been identified and evaluated, and in doing so to consult the population concerned. Before any measure is taken for the protection, management and planning of a landscape, it is essential to make clear to the public what objectives are being pursued. These objectives should be laid down, explained and announced by the competent authority concerned after the general public and all relevant interests have been consulted. The objectives may be set within the more general framework of a policy conducted by the territorial or central authorities concerned. The decision setting the objectives should state clearly the special features and qualities of the landscape concerned, the general thrust of the policy for that landscape, and the specific components of the landscape to which protection, management or planning will apply. It should then say by what means the objectives are to be achieved.

There must be a clear relationship between the objectives, the findings of the identification and evaluation surveys, and the measures deemed necessary to achieve the objectives.”

The convention therefore aims to involve the widest possible public in participation procedures during the definition of projects and discussion of individual requests continuing right up to the final decision, which it must be able to influence, including monitoring the implementation of a genuine landscape policy. Such public participation presupposes concomitant action on the part of the public authorities: informing the public and raising awareness of the issue of landscape, drawing up an inventory of landscapes of national, regional, local and even transborder interest, adapting participation procedures, where these exist, and so on.

Thus, “it is clear that involving the public, first by means of a high-profile and ongoing campaign to raise awareness, and then by active public participation in decision-making in landscape matters, is the key element of the European Convention.

156. Michel Prieur, “Landscape policies: contribution to the well-being of European citizens and to sustainable development – social, economic, cultural and ecological aspects, Second Conference of the Contracting and Signatory States to the European Landscape Convention, Strasbourg, 10 October 2002, T-FLO 2 (2002) 20.

Without this involvement, the landscape would probably lose its principal function and become either the expression of ugliness, and decay for the majority of people, or an artificial paradise for a privileged few.¹⁵⁷

The requirements of the convention in terms of public participation in the definition and implementation of landscape policy can be found in other texts. The IUCN set out 10 principles with which the authorities responsible for managing protected areas must comply. In particular, “people should be seen as stewards of the landscape”, “management must be undertaken with and through local people, and mainly for and by them”.¹⁵⁸

Participation must be “effective”, as the Council of Europe has already stressed in Committee of Ministers Recommendation No. R (95) 9 of 11 September 1995: “The landscape appraisal procedure should: viii. Ensure the effective participation of the population in the processes of landscape appraisal and management.”¹⁵⁹

Similarly, the Fifth European Conference of Ministers Responsible for the Cultural Heritage produced a number of resolutions.¹⁶⁰ For example, in Resolution No. 1, the ministers concerned call upon national, regional and local authorities to “ensure the right of communities, their members and non-governmental organisations to participate adequately in consultation and decision-making processes affecting the heritage ...”; to “involve the public and communities, alongside professionals, in identifying and protecting cultural heritage; establish the legal, financial and professional framework necessary for concerted action by experts, owners, investors, undertakings and civil society; develop the concept of shared responsibilities by incorporating the heritage dimension into economic, social and educational strategies, to facilitate sustainable management of the environment; since public funds are necessarily limited, encourage, by appropriate measures and incentives ... civil society to play an increasing role in the enlarged field of heritage now perceived by people ...”.

More recently, in a recommendation on the guiding principles for sustainable spatial development of the European Continent, the Ministers of the Council of Europe advocated the implementation of “spatial development measures for different types of European regions”.¹⁶¹

157. Riccardo Priore, “Presentation at a study day on the European Landscape Convention on 18 January 2001”, *Revue européenne de droit de l'environnement*, October 2003, p. 255.

158. The World Conservation Union (IUCN), *Management guidelines for IUCN category V protected areas – protected landscapes/seascapes*, September 2002.

159. Recommendation No. R (95) 9 on the integrated conservation of cultural landscape areas as part of landscape policies.

160. European Conference of Ministers Responsible for the Cultural Heritage, Slovenia, 5-7 April 2001, Resolution No. 1 on the role of cultural heritage and the challenge of globalisation – Resolution No. 2 on the Council of Europe’s future activities in the cultural heritage field, 2002-2005 – Declaration on the role of voluntary organisations in the field of cultural heritage – Final resolution.

161. Recommendation Rec(2002)1 of the Committee of Ministers of the Council of Europe of 30 January 2002 to Member States on the guiding principles for sustainable spatial development of the European Continent.

This relates to landscapes, urban areas, rural areas, mountains, coastal and island regions, Eurocorridors, flood plains and water meadows, redundant industrial and military sites and border regions.

Among the guiding principles are “strengthening of co-operation between the member states of the Council of Europe and participation of regions, municipalities and citizens”, in particular through “horizontal and vertical co-operation and broadly based participation of society in the spatial planning process”.

The Convention on the Protection of the Alps (Alpine Convention) of 7 November 1991, in the Chambéry Protocol of Application of 20 December 1994, entitled “Nature protection and landscape conservation”, also states in its preamble that “the local population must be able to define their own social, cultural and economic development project and play a part in implementing this project within the existing institutional framework”. In addition, the protocol refers to the excessive pressures on nature and the landscape and concludes that “some problems can be resolved only in a transfrontier context and require common measures to be taken by the Alpine States”. To this end, Article 5 of the protocol is devoted to the participation of local and regional authorities “so as to promote solidarity within responsibility, and in particular to develop co-operation in the application of nature protection and landscape conservation policies and in the implementation of the measures that result from them”. In addition, in accordance with Article 21 on training and information “the Contracting Parties shall encourage basic and further training and inform the public on the objectives, measures and implementation of this protocol”.

Lastly, the Pan-European Conference on Agriculture and Biodiversity stresses the need to “involve relevant stakeholders, in particular farmers and consumers, in policy making” and “develop policies to integrate biodiversity and landscape concerns into agricultural policies, fully involving all relevant stakeholders, including local communities”.¹⁶²

What, then, does this public participation involve and when should it take place? The answers to this question may be found in a parallel study of the Aarhus Convention. Indeed, the principle of public participation in landscape matters ties in with the Council of Europe’s desire to develop local citizenship and reinforce the practice of democracy.¹⁶³ In order to maintain democratic societies, greater emphasis has to be placed on the role of education in promoting the active participation of all citizens. Active and effective participation is fully in keeping with the spirit of the Aarhus Convention to which reference is made in the preamble to the European

162. Council of Europe, Pan-European Conference on Agriculture and Biodiversity, Paris, 5-7 June 2002, Final Declaration on the conservation and sustainable use of biological and landscape diversity in the framework of agricultural policies and practices.

163. Recommendation Rec(2002)12 of the Committee of Ministers of the Council of Europe to Member States on education for democratic citizenship, adopted on 16 October 2002; Council of Europe, Recommendation Rec(2000)19 of the Committee of Ministers to Member States on the participation of citizens in local public life.

Landscape Convention. It is a pre-condition of sustainable development and good governance, as underlined by the International Law Association in its resolution on the principles of international law on sustainable development.¹⁶⁴

8.2. The requirements of the Aarhus Convention with regard to public participation

The Aarhus Convention of 25 June 1998 on access to information, public participation in decision making and access to justice in environmental matters entered into force on 30 October 2001.

Articles 6 to 8 of the Convention identify three occasions for participation:

- participation in decisions on specific activities;
- participation concerning plans, programmes and policies;
- participation during the preparation of executive regulations and/or generally applicable legally binding regulatory instruments.

The European Landscape Convention clearly draws heavily on this convention, making express mention of it in its preamble. Consequently, in so far as the States Party to the Aarhus Convention are also Party to the European Landscape Convention, the aims of the first convention in the field of participation determine the participation requirements of the second. The Aarhus Convention does provide some details, in particular those relating to deadlines for information and the extent of participation. In particular, the Aarhus Convention gives a definition of “public”, according to which “all the provisions of the Convention concern the public as a whole, without discrimination as to citizenship, nationality or domicile and, in the case of a non-governmental organisation, without discrimination as to where it has its registered seat or an effective centre of its activities”. This definition of “public” can be applied to the European Landscape Convention for the purposes of clarification. In fact, not only does the European Landscape Convention not define the term “public”, but the wording of its Article 5.c raises certain questions by referring to the participation “of the general public, local and regional authorities and other parties with an interest”. Should we consider that participation concerns the general public in the broad sense, or simply a public “with an interest”? On this point, the definition of the public contained in the Aarhus Convention removes any doubt, and it is clear that “with an interest” relates solely to the other parties. In the same way as the right to information, the right to participation must be accessible to the general public, without any need to justify any legally identified interest.

In addition, according to the Aarhus Convention, the parties to the convention must:

164. Resolution of the International Law Association, New Delhi, 6 April 2002.

“respond to any request for environmental information as soon as possible and at the latest within one month after the request has been submitted;

ensure that the public authorities possess and update environmental information and that they are informed of activities which may significantly affect the environment ...

ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public;

publish and disseminate a national report on the state of the environment, including information on the quality of the environment and information on pressures on the environment;

inform people of decisions taken on proposed activities of all kinds which are likely to affect them;

provide for early public participation, when all options are open;

ensure that, when the final decision is taken on any proposed activity, the results of the public participation procedure are taken into consideration by the competent authorities;

promote effective public participation during the preparation of projects, programmes and legal provisions concerning the environment ...”¹⁶⁵

In this way, the Aarhus Convention gives greater substance to the European Landscape Convention by specifying:

- what is included in the term “public”,
- participation in policy-making,
- participation in landscape policy-making through either landscape plans or landscape-quality objectives.

Under Article 6 of the Aarhus Convention, participation procedures must give priority to:

- informing the public “either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner”;
- public participation early on in the procedure, that is to say when all options are open and the public can exercise genuine influence;
- the opportunity for the public to submit in writing, or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity; and
- that in the decision due account shall be taken of the outcome of the public participation.

Consequently, with regard to transposing these provisions to the implementation of the European Landscape Convention, “At least as regards the identification and

165. Wiek Schrage, “La Convention sur l’accès à l’information, la participation du public au processus décisionnel et l’accès à la justice en matière d’environnement”, in “*La Convention d’Aarhus*”, *Revue juridique de l’environnement 1999, édition spéciale*, pp. 5-7.

assessment phase and the setting of landscape-quality objectives the view must be taken that participation needs special, detailed provision since the objective is to identify the ‘aspirations of the public’ (Article 1.c) and ‘the particular values’ which interested parties and the population concerned assign to landscapes (Article 6.C.1.b). An ordinary consultation, such as a public inquiry, is liable to be inadequate to identify the public’s expectations and needs with sufficient accuracy. Appointing an expert or, as in Switzerland, an independent mediator responsible for gathering in opinions and taking the necessary time over it is a worthwhile idea. The Aarhus Convention does not impose any particular participation arrangements either, but its lengthy Article 6 spells out the various methods of ensuring greater participation in the interests of better decisions and more effective implementation of them.”¹⁶⁶

The Aarhus Convention has already led to a review of some community law with a view to integrating public demands more effectively into the decision-making process, including Directive 2003/4/EC of 28 February 2003 on public access to environmental information,¹⁶⁷ Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,¹⁶⁸ and Directive 2003/35 of 26 May 2003 making provision for public participation.¹⁶⁹

In addition, on 24 October 2003, the Commission approved three proposed texts on consequences to be drawn from the Aarhus Convention:

– a proposal for a Regulation on the application of the provisions of the Aarhus Convention to European Community institutions and bodies.¹⁷⁰ It aims to ensure effective access to environmental information (state of the environment, nature and public policy), the dissemination of environmental information on the Internet, the authorities’ response at the earliest opportunity (one month or, in exceptional circumstances, two) to requests from the public and ecological organisations, an increase in public participation in the decision-making process (communication by the authorities of final decisions and the outcome of the participation process), the opportunity for European non-governmental organisations to call for a review of decisions of European Union institutions and bodies which they deem to be contrary to European environmental law (appeal to the European Court of Justice is possible if their calls are rejected);

– a proposal for a Directive on access to justice in environmental matters¹⁷¹ with a view to affording interested parties and their representative organisations the

166. Michel Prieur, “Landscape policies: contribution to the well-being of European citizens and to sustainable development – social, economic, cultural and ecological aspects”, Second Conference of the Contracting and Signatory States to the European Landscape Convention, Strasbourg, 10 October 2002, T-FLOR 2 (2002) 20.

167. OJEC, No. L 41 of 14 February 2003.

168. OJEC, No. L 197 of 21 July 2001.

169. OJEC, No. L 156 of 25 June 2003.

170. Proposal for a Regulation presented by the Commission, Com(2003)0622 final.

171. Proposal for a Directive presented by the Commission, Com(2003)0624 final.

opportunity to challenge the actions or failures of national public authorities who infringe community law;

– a proposal that the European Union ratify the Aarhus Convention.

However, “national administrative culture, which is a reflection of law and traditions, is firmly anchored in people’s minds and in some countries will be difficult to change rapidly, so constituting a real obstacle to implementation of the Aarhus Convention”.¹⁷² This warning also applies to implementation of the Landscape Convention, because participation procedures are not defined with equal force in all states parties.

8.3. Applicable law regarding participation in certain European states

This issue was dealt with by analysing the results of a questionnaire distributed to university lawyers of 12 member states of the Council of Europe:¹⁷³ Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy,¹⁷⁴ the Netherlands, Spain, Sweden and Turkey.¹⁷⁵

The headings were chosen to reveal diversity in the implementation of the requirements set out in Articles 5.c and 6.D of the European Landscape Convention.

8.3.1. The public affected by the definition and/or implementation of landscape policies

This section was drawn up based on replies to questions II-1, I-1, I-3, III-1, IV-1.

a. The principle of participation in landscape matters

There is rarely a legally binding general principle of participation.

In Finland, the Constitution (2000, paragraph 20) states that everyone is responsible for the environment, biological diversity and the cultural heritage. A report has been drawn up for the Environment Ministry to assess the need for legislative reform in connection with the European Landscape Convention.

172. Michel Prieur, “Information et participation du public en matière d’environnement, influence du droit international et communautaire”, in *La protection de l’environnement au cœur du système juridique international et du droit interne. Acteurs, valeurs et efficacité*, under the direction of Michel Pâques and Michaël Faure, proceedings of the colloquy of 19 and 20 October 2002, University of Liège, Bruylant, Brussels, 2003.

173. See Appendix 1.

174. José Luis Bermejo Latre, “*La pianificazione del Paesaggio*”, University of Study of Bologna, Maggioli Editore, 2002, 343 p.

175. Ibrahim O Kaboglu, “*Le droit au paysage en droit turc*”, *Revue européenne de droit de l’environnement*, No. 3, October 2003, p. 321.

In Italy, a co-operation agreement between the government and the regions on the exercise of power in landscape matters (given that the regions have responsibility for landscape planning) was signed on 19 April 2001 by the Ministry of Cultural Property and Activities and the Italian regions in the context of the Standing Conference of the Government and the Regions (a body in which co-operation takes place between the two principal levels of government in Italy). This is the first instrument to “follow up” the convention. It makes provision, “awaiting ratification of the European Landscape Convention” (preamble), for guidelines for the exercise of powers in landscape matters “in conformity with the Convention”. The agreement was published in Official Journal (*Gazzetta ufficiale*) No. 114 of 18 May 2001 (to be referred to hereafter as agreement-2001).

Article 6 of agreement-2001 provides that “in landscape planning procedures, it is necessary to secure institutional co-operation and the widest participation of the public concerned and the associations that protect general interests”. It is, of course, a guideline of principle on which regional landscape planning policies in the future should be based.

In the absence of a general principle, participation does appear in some specific provisions.

This is the case in Austria, where participation in the context of administrative procedures is provided for by the law on general administrative procedure, the law on environmental impact studies and certain regional laws on nature conservation.

Article 105 a) of the Spanish Constitution (1978) leaves it to the law to regulate “consultation with citizens, directly or through organisations or associations recognised by law, in the process of drawing up the administrative provisions which affect them”. In fact, parliament introduced provisions for participation in relation to the landscape in the Nature Protection Act of 27 March 1989 and in the Land Act of 13 April 1998.

In France, Article L 110-1 of the Code de l’environnement (Environment Code), amended by Section 132 of the loi démocratie de proximité (Law on Local Democracy) of 27 February 2002, establishes a general principle of participation, whereby everyone must have access to information relating to the environment, including information on dangerous substances and activities, and the public is to be involved in the process of defining projects which substantially affect the environment.

In Ireland, sections 9-13 and sections 34, 37, 50, 51 and 204 of the Planning and Development Act 2000 provide that anyone may participate in defining landscape protection objectives and in designating landscape protection areas in the context of development programmes. The Wildlife Act 2000 also refers to this principle.

Similarly, in Italy, by virtue of Section 9 of Law No. 241 of 1990, the principle of intervention is merely procedural (“Anyone who has a public or private interest,

or general interests as member of an association or committee, which may be prejudiced by the provision, is entitled to be involved in the procedure”). However, in planning law, Section 9 of Law No. 1150 of 1942 states that the draft land-use plan should be filed with the municipality for 30 days and made available to the public. The law does not explain whether individuals are able to submit comments but, in practice, this right is recognised for the owners of residential buildings. Likewise, trade union associations, public bodies and interested institutions may submit their comments on the draft plan within 30 days.

In addition, as Belgium has pointed out, the States Party to the Aarhus Convention have to make provision for participation mechanisms as stipulated in the convention. The European Community has already signed the convention and enacted related Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, and Directive 2003/35/EC of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment, and amending, with regard to public participation and access to justice, Directives 85/337/EEC and 96/61/EC.

The entry into force of the European Landscape Convention should result in the modification of participation arrangements, in order to take account of landscape concerns.

On this point, Turkey is an exception, having ratified the European Landscape Convention but not the Aarhus Convention. Consequently, the articles of the European Landscape Convention are directly applicable, obliging the authorities to draw up the necessary implementing regulations. In particular, appropriate procedures will be needed in relation to public participation as referred to in Article 5.c of the convention and consultation in the context of defining landscape-quality objectives.

b. Those entitled to participate

As the law stands, there is some public participation in landscape matters in all the countries consulted. However, the concept of public is not interpreted in the same way in all countries. Overall, two types of state can be identified:

Those where the term public means individuals: this is the case in Austria, France, Finland, Germany, Italy, the Netherlands and Sweden.

In Germany, when no formal participation has been provided for, farmers or similar associations are consulted.

In Austria, on the other hand, as a rule comments made by the public are taken into account when they are expressed in a formal context.

In France, numerous procedures make provision for involving individuals without their having to justify an interest, or in their capacity as inhabitants of the municipality in which the project is planned, or as owners, or taking account of

professional qualifications. Associations are an essential intermediary, since they have additional rights, such as the right to receive administrative documents.

In Finland, regional planning law is based on the concept of public participation and interaction (paragraph 1). For instance, with planning procedures (paragraphs 62, 63, 65, 66, 67), everyone is entitled to be informed and to express an opinion. The administrative authorities have a duty to respond to the opinions expressed. Members of the municipality and concerned legal persons can appeal against decisions taken.

In other legal systems, for example in the law on nature protection, the rules of the law on administrative procedure (434/2003) apply, and make provision for the participation of the public concerned. Environmental associations have a right of appeal (paragraph 61).

Italy draws a distinction between individuals, those who have a subjective right (for example owners of land or of the residential building concerned) and those who have a legitimate procedural interest recognised by the authorities. In addition, specifically in relation to public participation in landscape matters, regional legislation makes provision for different forms of participation (the opportunity to make written comments, the organisation of “planning lectures”), which involve different publics (sometimes only local authorities and professionals, sometimes the public, without specifying whether this is the public directly affected).

In Sweden, public participation is considerable, in particular in the context of the local administration of the Swedish Nature Conservation authority.

Those for whom the public concerned means central, regional and local authorities, non-governmental organisations and professionals: this is the case in Austria, Belgium, Greece, Ireland, Spain and Turkey.

In Belgium, the participation procedure provided for in the context of a river agreement involves interested riverside residents, users and associations.

In Spain, landscape protection is dealt with through natural resources development plans. These are drawn up by the regions, which have to comply with a principle of public information and consultation of social interests (business associations, workers' unions), of institutional interests (professional associations, chambers of commerce), and of environmental conservation associations identified to the regional authorities.

In Greece, individuals simply have the right to petition and forward requests to political parties and members of parliament.

In Ireland, those most directly and personally affected may play a part in designating Natural Heritage Areas (NHAs) in so far as the designation of such an area has the effect of imposing immediate restrictions and affects owners in particular.

The Heritage Council is closely involved in the development of landscape policy. It has scientific reporting responsibilities. It consults all interested parties.

In Turkey, a legislative decree of 1991 on the creation of the Ministry of the Environment encourages the participation of voluntary groups, that is, principally associations and foundations, including any authorised for environmental protection. With regard to local and regional authorities, the village, or rather the municipal council that represents it, may participate and request landscape considerations to be taken into account. Residents of villages and farmers may participate in informal procedures.

In general terms, it should be borne in mind that the term “public concerned” rarely takes account of professionals such as urban and landscape planners in formal participation procedures. Belgium is the only country to mention them as professionals.

c. Opening up to the public of structures with responsibility for landscape policy

This should apply equally to local and regional authorities, the public and professionals. In reality, however, two different situations arise.

Access may be unrestricted, as in the Netherlands. In Ireland, public access is the result of what happens in practice. In particular, the organisation of public consultation is at the discretion of the public authorities.

Alternatively, access is essentially concentrated on the local and regional authorities and associations. This is the case in Germany, where regional and local authorities have considerable access, but the public less. With regard to associations, most States have established consultative councils at central or regional level with representatives whose responsibility is to defend nature protection. These councils must be consulted on measures concerning exceptional landscapes.

In Belgium, the Conseil wallon de l’environnement et du développement durable (CWEDD) (Walloon Environment and Sustainable Development Council) involves itself in projects for which impact studies have been carried out and may comment on the landscape-related aspects. The composition of the CWEDD includes members of the different committees, representatives of the Union wallonne des Entreprises (UWE) (Walloon Union of Businesses), agricultural professional organisations, trade union organisations, organisations representing small businesses, environmental protection associations, associations of consumer representatives, the Union des villes et communes wallonnes (Union of Walloon Towns and Municipalities) and French-speaking universities.

Similarly, in Greece, there is no binding legal framework for these institutions or structure other than at national level; there are simply a few administrative departments, which, together with public agencies and local authorities, are open principally to professionals and to associations.

In France, a Conseil national du paysage (National Landscape Council) was set up by a decree of 8 December 2000 to reinforce the government’s capacity

to lay down principles and guidelines for a coherent public landscape policy. The members of the council were appointed by a decree of the *Ministre de l'Aménagement du territoire et de l'environnement* (Minister for Regional Planning and the Environment) of 18 May 2001. The Council is made up of individuals with acknowledged competence in the field of landscape, whose remit it is to represent "local communities, civil society, Government departments". It meets at least once a year, or whenever one of its members requests the minister to call such a meeting. It is a consultative and debating body which must submit a report each year to the minister with responsibility for landscape on changes in the landscape, draw up a statement regarding the implementation of landscape law and propose any measures likely to improve the landscape situation. It can be consulted on draft laws and regulations which have an impact on the landscape.

In Finland, the state is responsible for safeguarding the specific value of the landscape. The government sets planning objectives (paragraph 22), with which authorities at national and municipal level must comply.

In Italy, the state and the regions have joint powers to co-operate on regional planning, the optimisation of cultural and environmental property and promoting the organisation of cultural activities. This sharing of powers is a result of the reform of Title V of the Constitution (constitutional law No. 3/2001), which amended Article 117 of the Constitution. New Article 118 provides for the introduction of the principle of subsidiarity, with extensive devolution of administrative and management functions, to the particular advantage of the municipalities, but also the provinces and regions, which as a result participate automatically in the formulation of landscape policy.

As a rule, it is the Directorate General for Architectural Property which is responsible for defining the general criteria in landscape policy, whereas landscape planning is the responsibility of the regions. To this end, the Ministry has made provision for the creation of a national observatory for landscape quality: this is a technical and consultative body, which co-ordinates the regional observatory correspondents. The national observatory was established by agreement-2001. Article 1.2 of this agreement, which was concluded to implement the European Landscape Convention, states that "landscape planning [referred to] in Article 149 of the code of 1999 will be implemented as determined herein". Consequently, the rules currently in force must be adapted to the principle laid down in the European Landscape Convention. To guarantee better co-ordination, provision was made for "guidelines for landscape protection" to be issued by central government, but these have not yet been drawn up.

Regional legislation normally involves minor territorial authorities (provinces, municipalities, etc.) in drawing up landscape plans. Under Article 57 of Decree 112/1998, a province may adopt a provincial co-ordination plan, although this has no binding force and does not constitute a town planning plan.

In Sweden, certain areas are areas of national interest for nature conservation within the meaning of chapter 3, section 6 of the Environment Code (SFS 1998: 808). The term “nature conservation” includes landscape protection. These areas are especially well protected against operations with a high impact on nature. The legislation does not identify the areas geographically, but the Swedish environmental protection agency (SEPA), pursuant to section 2 of the regulation on the protection of terrestrial and aquatic areas (SFS 1998: 896), assesses and selects areas of national interest for nature conservation. County councils are informed of the SEPA’s decisions. These decisions have no legal standing, but are taken into account in practice by the courts and authorities with responsibility for planning when such areas affect individual projects.

In terms of procedure, before submitting information to county councils, SEPA consults the national housing, building and planning council and the county councils concerned. In practice, the county councils play a vital role by providing SEPA with essential information. Municipal councils regularly consult their municipalities on this subject (although this is not required by law).

In addition, documents on landscape protection are occasionally produced by regional and municipal councils, which have no connection with legislation on the environment or town planning. The procedure is not regulated by law. There are several possibilities with regard to participation procedures and persons consulted.

In Turkey, town councils have been set up in line with Agenda 21. These councils have many members, the majority of whom are representatives of civil society. Town councils can play a role in implementing the European Landscape Convention.

It is worth mentioning at this point that the replies received reveal that no distinction is made between institutions with responsibility for formulating landscape policy and those responsible for implementing it. Public participation in these two stages is not clearly distinguished.

8.3.2. Public policy affected by participation procedures in landscape matters

The replies to questions II-6 and II-7 form the basis of this section.

For two states – the Netherlands and Sweden – in principle, all public policies can be subject to participation procedures in relation to the landscape in so far as landscape protection constitutes an element of planning. In Sweden, in particular, a governmental commission studies the changes that will have to be made to Swedish legislation as a result of the Aarhus Convention. This may mean extending public participation rights, by including environmental associations.

In France, landscape is already taken into account to a considerable extent, not only by legislative and regulatory provisions, but also by administrative case-law. The

law of 8 January 1993 on landscape protection and enhancement establishes taking landscape considerations into account as public policy. Overall, the landscape is part of public policy on the environment. More specifically, it is the subject of a large number of legal provisions relating to the environment, town planning and regional planning.

In Ireland, an effort is made to co-ordinate all sectoral policies, pursuant to the Planning and Development Act 2000.

In more general terms, the public policies most often cited as being subject to participation procedures in landscape matters are environment policies and, more specifically, policies relating to nature conservation, regional planning, town planning and heritage protection.

Policies on tourism, agriculture, transport and culture are occasionally mentioned as policies, which make little provision for participation procedures.

Occasionally, landscape interests are taken into account in these policies in an indirect manner.

In town planning and regional planning matters in Germany, for instance, programmes and plans relating to landscape have to be taken into account (but not necessarily complied with) by the competent authorities. Consequently, landscape protection is taken into account above all as a result of the public interest and the political weight associated with the participation of associations, as permitted by the law on regional planning (open to all) and the law on infrastructure planning (limited to associations).

Likewise, in Belgium, agriculture and forestry policies are affected in that agricultural projects for which environmental or town planning permits are required have to undergo impact assessments.

Finland has no specific legislation for landscape protection, but landscape values are included in the different laws, such as the law on planning and construction (132/1999), one of the aims of which is to protect the landscape and environmental values (paragraphs 5, 22 and 24 of the law).

Similarly, the law on nature protection (1096/1996) applies to landscape areas, the law on mining (555/1981) contains rules on respecting landscape values which prohibit mining if it has a high impact on the landscape (paragraph 3); the law on the protection of the built environment (60/1985) applies not only to buildings, but also to the landscapes of which they form part. This type of environment may be protected by an individual decision of the regional environment centre. The instrument is complementary to regional planning.

8.3.3. Participation procedures specific to implementation of the requirements of Article 5.c

For a more detailed presentation of the replies received, refer to questions II-2, II-3, III-2, III-3, IV-2 and IV-3 in the questionnaire reproduced in the appendix.

a. The absence of instruments specific to landscape matters

The first thing to note is that there are no instruments specific to landscape policy. Germany highlights plans and programmes relating to the landscape, but they have their limitations in terms of having to tie in with other plans and programmes.

In Finland, the law on nature protection (1096/1996) created a new instrument “a landscape area”. This can be formed taking account of landscape qualities, historical and cultural features, etc. (paragraph 34). However, the protective provisions associated with it must not give rise to excessive restrictions for owners.

In France, Article L.110-1-I of the Environment Code explicitly includes “natural areas, resources and environments, sites and landscapes” within the “common national heritage”. Under II, which lists the cardinal principles of environment law, it includes “landscapes” as one of the elements “the protection, enhancement, restoration, rehabilitation and management of which are in the general interest and contribute to the aim of sustainable development”.

Article L.350-1 of the Environment Code, which is the sole article in a section devoted to landscapes, concerns instructions for the protection and enhancement of landscapes. Created by the “landscape” law of 1993, such instructions are drawn up by the state, on its own initiative or at the request of local authorities. They concern areas which are outstanding in terms of their landscape interest, but which have not yet been designated as such. In fact, since 1995, four instructions have been studied. One of these has been abandoned (Côtes de la Meuse et Petite Woëvre (order of 5 May 1995); the three others (Alpilles (order of 23 January 1995), Vues sur la Cathédrale de Chartres (order of 26 May 1997), Mont Salève (order of 3 April 1998)) are at the final consultation stage.

The decision to look into the feasibility of producing an instruction, taken by the Ministère de l’environnement (Environment Ministry), stipulates the consultation arrangements to be adhered to during the drafting process; ultimately, the instruction on the protection and enhancement of landscapes is approved by a decree of the Conseil d’Etat, without a public inquiry. It will then be effective against town planning documents and, in certain circumstances, against applications for permits for the clearance, occupation and use of land. In spite of the fact that no public inquiry takes place, public information and consultation are, nevertheless, guaranteed because of the formal presentation of the instruction. In fact, this consists of a presentation report, which analyses the initial state, sets out the objectives and establishes the content of the guidelines and fundamental principles for the protection and enhancement of “the characteristic elements

constituting the structure of a landscape”. This is the document that contains the substantive provisions. It includes drawings, which show the perimeter, the different zones and other useful information. It may, optionally, be accompanied by a set of recommendations.¹⁷⁶

Italy also indicates the existence of landscape plans since 1939. However, the landscape is protected in that existing planning instruments and permits involve a procedure to take account of the landscape issue.

In the main, instruments are not, therefore, specific.

In France and in environment law in particular, all special arrangements for the protection of open spaces and nature also aim, among other things, to protect the landscape (directly or indirectly). This is the case with national parks, nature reserves, orders concerning habitats, protection forests and registration or classification measures contained in the law of 2 May 1930 on nature reserves and sites. For instance, in national parks, nature reserves and classified sites, electricity and telephone networks must be installed under the ground (Articles L.331-5, L.332-15 and L.334-11 of the Environment Code).

Under town planning law, a large number of supra-municipal provisions ensure that the landscape is taken into account. For example, Article L.110 of the Code de l’urbanisme (Town Planning Code) sets out, in particular, to “guarantee the protection of the natural environment and landscapes”. Similarly, some of the public utility easements listed in Article L.126-1 of the Town Planning Code apply to conservation of the natural and cultural heritage. The national regulations governing town planning referred to in Articles R.111-1 et seq of the Town Planning Code also apply to elements of the landscape (Article R.111-3-2: protection of archaeological sites and remains; Article R.111-14-2: prevention of harm to the environment; Article R.111-21: prevention of threats to the nature or interest of the area surrounding natural or urban landscapes or sites and on the conservation of monumental views).

Finally, in addition to provisions specific to the protection of mountains, the coastline and the town approaches,¹⁷⁷ directives territoriales d’aménagement (DTA) (territorial planning instructions), drawn up at the initiative of government or at the request of a region, determine, among other things, “fundamental state guidelines on matters relating to planning and balancing the interests of development, protection and enhancement of land”. These “fundamental guidelines” call for the definition of the “principal objectives of the State in matters relating to [...] the

176. CIDCE, CRIDEAU (CNRS-INRA) – University of Limoges, “*Etude d’impact sur le projet de loi autorisant la ratification de la Convention européenne du paysage*”, *Commande du Ministère de l’Ecologie et du Développement durable, Direction de la Nature et des Paysages, sous-Direction des Sites et Paysages*, December 2002, 141 p., in particular pp. 90-91.

177. These provisions are set out in E, which is dedicated to participation procedures specific to a particular landscape or region.

conservation of open spaces, sites and landscapes”. No DTA procedure has yet been concluded.

The substance of the different supra-municipal provisions must be complied with by local authorities when town planning documents are being drawn up.

In Sweden, landscape policy is set out in a planning document referred to in chapter 4 (section 1) of the law on planning and construction (SFS 1987: 10). The plan sets out projected measures to be taken in terms of land and water use and conservation, including landscape policies, over the whole of the municipality’s territory.

In Ireland, too, the authority with responsibility for town planning has the power, within its area of competence, to designate any area as one to be protected in the interests of landscape conservation.

b. The failure to distinguish between the framing and implementation of landscape policy in relation to participation procedures

As the law stands at present, no real distinction is made between the framing of landscape policy and its implementation in relation to participation procedures.

Some states (Belgium, Italy) make a distinction, considering that the formulation of landscape policy is effected by plans and drawings, whereas the implementation of landscape policy is effected by permits and authorisations, and by the creation of protected areas.

Consequently, where definition is concerned,

– in Belgium, a series of participation mechanisms has been provided for during the definition and (where appropriate) assessment of the impact of the principal tools used in environmental and regional planning matters, which may include landscape protection objectives.

Apart from supra-regional strategic documents Schéma de développement de l’espace communautaire (European Spatial Development Perspective) and the Deuxième Esquisse de Structure – Benelux (Second Structural Outline – Benelux), the main regional planning tools are, in regional planning, the Schéma de développement de l’espace regional (Regional Spatial Development Perspective) – referred to hereafter as SDER¹⁷⁸ – and, in environmental matters, the Plan d’environnement pour le développement durable (Environment Plan for sustainable development) – hereafter PEDD.¹⁷⁹

In addition, Wallonia is covered by “sector plans” (Articles 21-46 of the Code wallon de l’aménagement du territoire, de l’urbanisme et du patrimoine (CWATUP) (Walloon Code on Regional Planning, Town Planning and the Heritage), which are the main regional planning plans in the Walloon region. The plans are divided

178. Order of the Walloon Government of 27 May (*Moniteur Belge* (M.B.) of 21/09/1995).

179. Order of the Walloon Government of 9 March 1995 (M.B. of 21/04/1995).

into areas according to land use, such as agricultural areas and forest areas, which “contribute to the conservation or formation of the landscape” (Articles 35 and 36 CWATUP). The green belt “contributes to the formation of the landscape or constitutes an appropriate green transition between areas which are incompatible with one another” (Article 37.2 CWATUP), while “parkland is green belt which is managed to provide a pleasing landscape” (Article 39.1). Sector plans may also include areas of outstanding natural beauty or of landscape interest (Article 40.1 and 3 CWATUP).

At local level, outlines and plans refer to certain other plans drawn up at a higher level (SDER at regional level, sector plans). In addition, with regard to landscape and management of the environment, the municipal environment and nature development plan (PCEDN) is one of the municipalities’ sustainable development planning tools, while the municipal rural development plan is an operational planning instrument.

– in France, town planning documents amended by the Loi solidarité et renouvellement urbain (SRU) (Law on solidarity and Urban Renewal) of 13 December 2000 contain provisions which apply explicitly to the landscape or incidentally contribute to its protection.¹⁸⁰

This is the case, for example, with the Schéma de cohérence territoriale (Land coherence outline plan (Article L.122-1 of the Town Planning Code). This inter-municipal planning instrument covers both landscape protection and the enhancement of town approaches. It has a considerable influence on most other types of planning.

Similarly, at municipal level, the plan local d’urbanisme (local urban development plan) must consist of “projet d’aménagement et de développement durable (planning and sustainable development plan)” (PADD, Article L.123-1 of the Town Planning Code) and a regulation. The PADD may deal with town approaches and “landscapes” (same article, sub-paragraph 2), whereas the regulation may relate to landscape protection under 4 (“architectural quality” and “harmonious insertion of buildings into the environment”), under 5 (“planning or architectural reasons”) and under 7 (“identify and locate landscape elements and determine the districts, blocks, residential buildings, public spaces, monuments, sites and sectors to be protected and enhanced or to be reclassified on cultural, historical or ecological grounds and define, where appropriate, the steps to be taken to ensure their protection”).

With regard to environmental planning, the Schéma départemental des carrières (département quarrying outline plan) has to “take account of (...) the protection of vulnerable landscapes, sites and environments”, and set “the objectives to be achieved for the restoration and restructuring of sites” (Article L.515-3 of the Environment Code).

180. Gérard Monédiaire, “La prise en compte du paysage dans les instruments de planification en droit français”, *Revue européenne de droit de l’environnement*, 2003, No. 3, p. 278 et seq.

Regional natural parks “constitute an ideal framework for public authority action aimed at preserving the landscape and the natural and cultural heritage (Article L.333-1 C. env.), and their charter – subject to public inquiry since the “Solidarité et renouveau urbain” (SRU) law – must be accompanied by a document setting out the fundamental guidelines and principles for protecting landscape structures in the park (same article). It should be pointed out that, according to Article L.333-1.4 of the Environment Code, “planning documents must be compatible with the guidelines and measures contained in the charter”.

Lastly, in the context of “pays”, a new territorial unit in rural areas, the final subparagraph of Section 25 of the law of 25 June 1999 stipulates that “when the ‘pays’ charter prioritises preserving and reclassifying the natural, landscape and cultural heritage (...)” whereas territories are subjected to considerable town planning pressure and are not covered by a land coherence outline plan (SRU law, 2000), local town planning plans and cartes communales (municipal maps) (and documents which replace them) “must be compatible with the fundamental guidelines of the ‘pays’ charter with regard to spatial organisation”. In the event of subsequent definition of an outline land coherence plan, the “pays” charter forms part of what has to be notified to the Prefect, and the planning document under preparation has to “take account” of it.

– in Italy, the Code on Cultural and Environmental Property of 1999 (in Italian “testo unico” No. 490/1999, an “established law” code approved by legislative decree) deals with the different provisions on landscape plans in Articles 149-150.

There are two types of plan:

- landscape plans in the narrow sense, which are not really town planning plans, but have major consequences for town planning plans because they must comply with landscape plans;
- territorial plans which have landscape protection objectives, and which are genuine town planning plans (their scope is regional or infraregional).

Some elements of the landscape may be managed by sectoral plans, such as:

- natural parks plans, for which provision is made by law 394/1991;
- development of mountain communities plans, provided for by Section 6 of law 1102/1971 (several times amended).

With regard to implementation, the landscape protection instruments used in Belgium are regional planning regulations – in particular the Règlement général sur les bâtisses en site rural (RGSBR) (General Regulation on Building in rural Areas) – municipal planning regulations, building permits and allotment permits, classification procedures, natural parks and active restructuring operations (regrouping rural land as permitted by law, urban renewal, revitalisation of residential areas, renewal of disused industrial sites, enhancement of the exterior of residential buildings).

Environmental impact assessments provide an opportunity to carry out a systematic study of the consequences of any project for the landscape, as a pre-emptive measure. All applications for permits¹⁸¹ include either a notice of environmental impact or an environmental impact assessment (Article 7 of the decree of 11 September 1985; see below).

In France, with regard to the implementation of landscape policy, there are various planning permits which allow for the control of activities likely to affect the landscape: building permit, allotment permit, demolition permit, permits for camping, caravans, mobile holiday homes and permits relating to ski lifts and ski facilities. In addition, town-planning law includes a set of administrative controls in the form of prior notices, in particular notice of construction work and notice of enclosure.

For the building permit, which is the most common type of permit, apart from the fact that the applicant needs to submit architect's plans (Article L.421.2.2 and 3 of the Town Planning Code), the permit application must include a dossier which must contain a landscape element (Article R.421.2 of the Town Planning Code): plans, cross-sections, elevations, drawings, a landscape notice and an impact study, where one is required.

The obligation to take account of the landscape is reinforced by the obligation to use the services of an architect (Article L.421.2 of the Town Planning Code). However, this provision does make some exceptions, which have the effect of reducing its scope (Article R.421.2, B and C as to the contents of the dossier, Article R.421.1.2 as to the use of an architect's services).¹⁸²

For allotment permits, the SRU law has added a sub-paragraph to Article L.315-1-1 of the Town Planning Code, according to which "applications for allotment permits shall specify the overall landscape and architectural features of the planned residential development ...".

In another example, Article L.442-2 of the Town Planning Code (introduced by the law on "landscapes" of 1993) lays down an obligation to obtain a permit in respect of "miscellaneous installations and works" when a project which does not require a permit is likely to "destroy an element of the landscape identified by a local town planning plan".

181. According to Article 1.4 of the decree of 11 September 1985, permit means:

- permits granted by virtue of the decree of 11 March 1999 on the environment permit;
- permits granted by virtue of Articles 84, 89 and 127 of the Walloon Code on Regional and Town Planning and the Heritage;
- permits for the development of refuse sites issued by virtue of the decree of 9 May 1985 on the development of refuse sites and administrative decisions, listed by the Government, in implementation of laws, decrees and regulations on the implementation or giving permission for the implementation of all or part of a project.

182. Bernard Drobenko, "*Le volet paysager du permis de construire*", *Revue européenne de droit de l'environnement*, No. 3, 2003, p. 301.

Under environment law, numerous activities are also subject to prior administrative checks. These include: classified buildings, quarries, nuclear activities, genetically modified organisms, water and advertising. One of the characteristics of environment law is to employ the principle of prevention by imposing the obligation to carry out a preliminary study (impact study, notice of impact). The landscape is referred to expressly in two fundamental texts governing impact studies: the decree of 12 October 1977 on the protection of nature in general and the decree of 21 September 1977 on classified buildings.

c. Forms of participation

The third thing to note is that there are no specific procedures for participation in landscape policy matters. For instance, the principal conditions of participation are to be found in other policies, namely:

– public consultation to define the content of the impact study for projects where such a study is required: in Belgium, all applications for permits include either a notice of environmental impact or an environmental impact assessment (Article 7 of the decree of 11 September 1985).

For projects where an impact study is required, there is a public consultation phase before the application for a permit is made. The purpose of this phase is, above all, to identify the elements to be dealt with in the impact study and to present alternatives that the project initiator might reasonably envisage in the impact study (Article 12 of the decree of 11 September 1985). Prior public consultation is organised pursuant to Chapter IV of the order of the Walloon Government of 4 July 2002 organising environmental impact assessments in the Walloon region. In addition, applications for permits, which require an impact study, are also subject to a public inquiry.

– an impact study, which must be communicated to the public. In France in particular, the impact study procedure, which must precede certain types of construction work, constitutes an important instrument for informing decision makers and the public about the impact of a particular activity on the landscape. The study must, above all, analyse the direct and indirect, short-term and permanent effects of the project on sites and landscapes;

– a public inquiry procedure affording the opportunity to comment in writing on projected plans and schemes in relation to the landscape: Austria, Belgium, France, Germany, Ireland, Italy, the Netherlands, Spain, Sweden, Turkey.

In Spain, for example, in accordance with legislation on natural resource management plans, publication of the decision to open a public inquiry invites the public to study the draft plan at a public location specifically reserved for that purpose and allows them at least 20 days in which to submit any comments. Associations specifically consulted receive the draft plan and have 10 days in which to make comments.

In Italy, where natural parks are concerned, the parks plan is forwarded after its adoption to municipalities and mountain communities as well as to the regions concerned. Over a period of 40 days anyone may consult it and make copies in the regions, municipalities and mountain communities; over a subsequent 40-day period, anyone may submit comments in writing, and the park authorities are obliged to react;

- the opportunity to comment on projects during discussions at consultative meetings on nature protection and the contents of the landscape plan: Germany, Italy, the Netherlands, Sweden;
- consultation of the central authorities prior to the designation of a natural heritage protection area, the aim of which may be to protect the landscape. This concerns Ireland where, in accordance with the Wildlife Act of 2000, before publishing notification of a new natural heritage area, the Minister consults the Minister for Agriculture, Food and Rural Development, the Minister for the Environment and Local Government, the Minister of Public Works, the Minister for Marine and Natural Resources and any other ministries whose consultation the circumstances appear to justify, as well as all authorities with responsibility for planning in the area;
- consultation of the municipalities concerned on the contents of the landscape plan drawn up at regional level: Italy, Sweden;
- consultation of bodies and persons qualified in measures in favour of landscapes in planning or town planning plans and schemes.

This is the case in Belgium, with consultation of the Commission régionale de l'aménagement (Regional Planning Commission), Commission communale d'aménagement du territoire (Municipal Spatial Planning Commission), and so on.

In France, application may be made to a Commission nationale du débat public (national commission for public debate) to organise a debate on planning or amenities projects of national interest to be undertaken by the state, local and regional authorities, public bodies and private individuals falling within the categories of investment operations and projects referred to in Article 1 of the decree of 22 October 2002. Similarly, referral to the national commission may be made for the organisation of a public debate on general environmental or planning options in application of Article L. 121-10 of the Environment Code.¹⁸³

Referral is a matter for the developer or, where the latter is not identified, for the public corporation responsible for a project, for certain public authorities or even for the commission itself.

The developer or, in his absence, the public corporation responsible for the project, must then submit a dossier to the president of the commission for the purposes of

183. Decree No. 2002-1275 of 22 October 2002 on the organisation of a public debate and the Commission nationale du débat public, OJ of 23 October 2002.

the debate, to be available to the public. In addition, the record and outcome of the public debate are made available to the commissioner appointed to hold the inquiry or to the commission of inquiry by the developer and are appended to the public inquiry dossier.

Similarly in Ireland where, before designating a landscape conservation area in its development plan, the competent local authority has to consult the central authorities concerned and notify councils and other authorities which, in the view of the planning authority, have an interest in notification, of the new designation.

- consultation of certain bodies (*Commission de gestion de parc naturel* (natural park management commission)) prior to undertaking specific major works which require a planning permit (assent) and for all permits relating to town planning, allotment and the environment and other single permits (notification): Belgium;
- organisation of procedures for collaboration between decentralised authorities (regions, municipalities) with responsibility for drawing up landscape plans and the associated bureaux with responsibility for landscape policy (Ministry for Cultural and Environmental Heritage): Italy;
- right of associations to use the services of an expert: Germany;
- public referral or initiative of a public directly concerned to set certain procedures in motion.

For instance, in Belgium, the government may decide to instigate an inquiry into the advisability of regrouping property, which it has provisionally delimited. The decision is taken either automatically, or at the request of at least 20 interested operators or owners (Section 4 of the law of 22 July 1970 on the regrouping of rural land by law). In addition, “public referral” to the regional government may set in motion the classification procedure to classify a site on the grounds of the beauty of its landscape (Articles 196 to 204 of CWATUP). A public inquiry is then organised:

- powers for authorised associations to take legal action, giving the public authority to monitor the implementation of environmental and landscape policies: Italy;
- organisation of a local referendum. In Turkey, this is possible for matters associated with urban planning and, consequently, the landscape. However, it is a completely informal procedure. In France, a consultative referendum may be organised by the local authorities on matters for which the municipality is responsible. In particular, Section 6 of constitutional law No. 2003-276 of 28 March 2003¹⁸⁴ amends Article 72 of the Constitution, which deals with local and regional authorities. It gives such authorities (regions, provinces, municipalities) the opportunity to organise a decision-making referendum on issues that fall within their competence. In particular, as the regions are responsible for drawing up the regional landscape inventory, they could organise a referendum on a landscape issue;

184. See Appendix 2: Institutional law No. 2003-705 of 1 August 2003 on the local referendum OJ No. 177 of 2 August 2003, page 13218.

– the citizens’ right to petition. In Turkey, this right of petition is recognised in Article 74 of the Constitution in relation to personal or public matters. It consists of a written application or complaint and enables the petitioner to obtain information or appeal on a particular point. The reply is received within 15 days for personal matters, but there is no time limit for public matters. In France, the constitutional law of 28 March 2003 states that “the electors of each territorial authority may, by exercising their right of petition, request the inclusion on the agenda of the deliberative assembly of that authority of an issue that falls within its competence”. The legislature must specify the conditions.

8.3.4. Participation procedures specific to the definition of landscape-quality objectives (Article 6.D)

This section is based on the replies to questions I-2, II-4, II-5, III-4, III-5, III-6 and III-7.

There are no internal provisions worth mentioning in any of the states consulted which are specific to the definition of landscape-quality objectives.

Clearly, the public which has an interest in the formulation and/or the implementation of landscape policies is the same public which has an interest in the definition of landscape-quality objectives. Similarly, the institutions responsible for the formalisation of landscape-quality objectives are, as a rule, the same institutions which are responsible for formulating landscape policies.

When further details are provided, these identify the regions as having such competence.

For instance, in Greece, there are no institutions with specific responsibility for formalisation of the landscape, mainly due to a lack of resources. However, the Environment Minister has taken some sporadic initiatives, but the government is increasingly encouraging a transfer of powers and responsibilities to local and regional authorities.

For the time being, the structures responsible for defining landscape-quality objectives are those of the national centre for sustainable development and the Ministry for the Environment, Public Works and Regional Planning. There are indications that these structures may be opened up to local and regional authorities.

Likewise, in Italy, Article 2 of Agreement-2001, which does not have the force of law, identifies subjects in the regions with responsibility for determining quality objectives. Article 4 states that landscape-quality objectives should be defined “according to the specific value attributed to each individual part of the territory”.

In addition, the regions are in the process of creating “regional landscape observatories” to define landscape-quality objectives. The Sicilian region, in

particular, has already created an “Osservatorio per la qualità del paesaggio”, by regional decree, to apply the provisions of the 2001 agreement between central government and the regions, which replaces an earlier technical landscape commission. The regulations governing the observatory are being drawn up.

As far as the definition of landscape-quality objectives is concerned, as the law stands, there is no real distinction between the formulation of landscape policies and the definition of landscape-quality objectives. The requirements of Articles 5.c and 6.D are generally seen as associated requirements.

With regard to the concept of participation employed in Article 5.c and the concept of consultation employed in Article 6.D, there are no significant legal differences, since the terms of the procedures in each of the two cases can be identical.

Only a few states responded to the question of any connection between the requirements of Article 5.c and those of Article 6.D.

In the Netherlands, in particular, landscape-quality objectives are formulated and defined at the planning stage, in the same way as the formulation and implementation of landscape policies. The requirements of Articles 5.c and 6.D, therefore, are brought together within the framework of planning policy. Public participation in the project and in drawing up these plans is guaranteed by planning law.

In Belgium, the Walloon Government created the Standing Conference for Territorial Development (CPDT) on 7 May 1988. The Government’s aim in setting up a pluri-annual research programme which involves not only most of the Region’s ministerial departments, but also the three major French-speaking universities (UCL, ULB, Ulg), was to have at its disposal a decision-making aid. The Standing Conference for Territorial Development is first and foremost an interdisciplinary meeting place, but it is also a major network for applied research, whose action will be directed and co-ordinated directly by the Government. It is a scientific, rather than legal, committee and is not open to the public.

According to the work of the CPDT,¹⁸⁵ the requirements of Article 5.c and Article 6.D are seen as independent requirements. The Walloon region has just completed its identification and classification of landscapes within the meaning of Article 6.C of the Convention. The objectives are as follows:

- to form a dual reference framework for the territory of the Walloon region, so that development activities can take account of their natural or landscape context;
- to rehabilitate and recycle built areas, rather than using up new areas, by offering local stakeholders a range of practices encouraging improved management of built areas, including both built heritage and public spaces.

Five eco-regions have been distinguished in this way.

185. The deliberations of this body can be found at <http://www.cpdw.wallonie.be>.

Only then, and after public consultation, will the landscape-quality objectives be defined for the landscapes, which have thus been identified and classified, in accordance with Article 6.D of the convention.

In Italy, the law does not yet refer to landscape-quality objectives, or to any connection with the requirements of Article 5.c. Nevertheless, Article 4 of agreement-2001 between central government and the regions states that the regions shall be responsible for the protection and enhancement of landscape values. They must identify quality objectives in relation to the different territories.

In addition, the Action Plan for the Cilento national park considers the provisions of Articles 5.c and 6.D separately, because it establishes landscape-quality objectives in agreement with the public, defining the landscape elements concerned and the instruments that must be used to achieve them.¹⁸⁶

8.3.5. Participation procedures specific to a particular landscape or territory

The information provided in this section is gathered from the replies to questions II-9, II-10 and II-11.

Of the different landscapes identified (urban landscape, rural landscape, outstanding landscape, unexceptional landscape, damaged landscape), public participation procedures relate mainly to the urban landscape.

In Belgium, with regard to damaged landscapes and, more particularly, to disused industrial sites, the Walloon Government may provisionally decide, at the request of one or more owners, that a particular site, as delineated by it, is disused and must be cleaned up or rehabilitated (Article 168.1 of CWATUP).

Action 205 of the Walloon Environment Plan for Sustainable Development (PEDD) makes provision for a consultation procedure Commission régionale d'aménagement du territoire (Regional Spatial Planning Commission – hereafter referred to as CRAT – and a public inquiry) as an integral part of site renovation projects.

Concerning formal and informal practices in connection with landscape policy specific to a particular territory, in the Walloon Region the management of valley landscapes is provided for by river agreements, of which there are 14 at present (Circular of 20 March 2001).

In France, there are legal provisions relating to the protection of mountain landscapes (Articles L.145-3-II and L.145-7-1 of the Town Planning Code) and the coastline (Article L.146-6 of the Town Planning Code). In particular, in overseas départements, “buildings and installations on hills close to the coastline are prohibited when their existence is prejudicial to the landscape character of

186. Council of Europe, Observatory on the implementation of the European Landscape Convention in parks and protected spaces “*Cilento e Vallo di Diano National Park: Landscape Action Plan*”, 2003.

the hills” (Article L.156.2 of the Town Planning Code). Where mountain areas are concerned, when a regional natural park is located in a mountainous area, the regional natural park bodies are represented on the committees of that area, to guarantee “the particular characteristics of mountain areas”.

Similarly, architectural, urban and landscape heritage protection areas fall under the scope of protecting the landscape interest of the historical and aesthetic heritages (Sections 70 to 72 of the law of 7 January 1983). These variable classifications of the landscape lead to increased protection, under the control of the courts.

In relation to urban landscapes, Article L.111-1-4 of the Town Planning Code, headed “town approaches”, establishes a corridor on either side of a road where building is prohibited, its width depending on the road’s classification in the Highways Code. When a town planning plan fulfilling the objective of protection and aesthetic enhancement of town approaches is adopted, the prohibition on building is lifted. Consultation and participation procedures relating to the drawing up of a town planning plan provide the public with an opportunity to express their views on these provisions which are specific to town approaches. The SRU law of 13 December 2000 also makes provision for suspending the ban on construction in municipalities which do not have a local town planning plan, in relation to projects which clearly show that they have taken account of protected interests.

With regard to rural landscapes, the creation of regional natural parks is a favoured means of landscape conservation, because the charter must include a document setting out the guidelines and fundamental principles for protecting the landscape structures in the park (Article L333-1 of the Environment Code). Similarly, the creation of a pays gives municipalities the opportunity to preserve and reclassify their natural, landscape and cultural heritage by drawing up a pays charter. These two instruments are fundamental in that they give the public a broad opportunity for participation (Section 22 of Law No. 99-533 of 25 June 1999, amended by Section 1-B-1 of Law No. 2000-1208 of 13 December 2000 on urban social solidarity and renewal).

In Greece, the promotion of natural landscapes in mountain areas is particularly strong.

In Italy, Section 6 of Law 494/1993, which applies to the coastline, stipulates that the regions must, for the purposes of coastline management, prepare beach use plans: *Piani di utilizzazione degli arenili (PUA)*, which must be drawn up with the participation of the municipalities concerned and the major professional associations in the tourist sector at regional level. Policies for the informal consultation of local populations are also stipulated in the procedures for drawing up mountain plans.

In Sweden, local plans must specifically state how the protection of areas of national interest is implemented at local level. This concerns, in particular, “areas of national interest for nature conservation”, which are geographically identified

and afforded direct protection under Chapter 4 of the Environment Code (certain mountain areas, rivers, coastal areas, etc.).

In Turkey, the 1983 law on planning and protection of the Bosphorus is an example of the specific regulation of outstanding landscapes. It sets out certain criminal offences for damage caused to the natural and cultural beauty of the Bosphorus and imposes on the perpetrators an obligation to restore.

There are very few provisions requiring transfrontier landscapes to be taken into account.

However, under the Convention Benelux en matière de conservation de la nature et de protection des paysages (Benelux Convention on Nature Conservation and Landscape Protection) signed in Brussels on 8 June 1982, the Netherlands, Luxembourg and Belgium undertake to co-operate in the following areas:

- harmonisation of principles and instruments relating to the policies in question;
- organisation of co-ordinated information and education campaigns;
- co-ordinated implementation of agreements entered into in a wider international context, such as the Council of Europe.

An impact assessment on the transfrontier environment is organised when planning is proposed by:

- the draft regional development scheme or the draft sector plan (Article 14.3 and Article 43.2 bis CWATUP);
- the project for which an application file for a permit is required (Walloon Decree of 11 September 1985, organising an impact assessment on the environment in the Walloon Region, Article 16) is likely to have a major impact on the environment of another region, another member state of the European Union or another State Party to the Espoo Convention of 25 February on environmental impact assessment in a transboundary context.

In Italy, a number of Italian natural parks, particularly those situated in the Alps, have made provision in the parks' plans for specific transfrontier landscape management action. In agreement-2001, there is no specific reference to Article 9 of the European Landscape Convention on transfrontier co-operation.

In France, regional spatial planning and development schemes, consisting of a diagnostic report, a charter (which details a sustainable development project) and drawings, are the equivalent of a regional plan. They are valid for 10 years and must define a "harmonious development of urban, peri-urban and rural areas". They make provision for measures for the rehabilitation of derelict land and "the protection and enhancement of the environment, sites, landscapes and of the natural and urban heritage, taking account of inter-regional and transfrontier dimensions".

More specifically, an experiment is being conducted by the Conseil du Léman (Leman Council) and by the cities of Strasbourg and Kehl. A spatial planning

and environment committee, set up by the elected representatives, initiated a period of reflection on the landscape among the departments of the three territorial entities concerned (Ain and Haute-Savoie in France; Geneva, Vaud and Valais in Switzerland). Seminars involving exchanges between university staff, elected representatives and technical experts have been organised, with three days of site visits devoted to three themes of major importance for the landscape: natural environment; urban space; agriculture and the rural world. These have produced a sort of code of conduct with regard to the landscape. Commitments in key sectors have been made. Ultimately, this will take the form of a Landscape Charter.

Another experiment in transfrontier co-operation is the result of an initiative by two local authorities, Strasbourg and Kehl, on either side of the Rhine. They are undertaking a joint urban landscape planning project on both sides of the Rhine to create a space on either side of the river called “the Rhine Riverbank Gardens” covering 34 hectares in France and 22 hectares in Germany, using a common plan to include games areas, landscaped and recreational gardens, family gardens, aquatic features and development of the riverbank. A footbridge will connect the two riverbanks over the Rhine for pedestrians and cyclists. The work was completed in 2004 in time for a six-month festival of landscape art, providing a unique Franco-German meeting place on the Rhine.

Lastly, in Sweden, there is a general measure which county councils have to comply with (SFS 2002:824), which involves “informing the authorities concerned in frontier Nordic countries about provisions made in the social plan (...) that fall within the competence of the regional council”. The “social plan” is a broad concept, which includes landscape policies. The authorities must be informed if the provisions of the plan could be of significance for the activities of the authorities of frontier states.

8.3.6. Provisions designed to foster the emergence of a landscape culture among the authorities and the population

The answers to questions III-8, III-9 and II-8 have provided some clarification on this subject.

A training and information provision either exists or is taking shape in most countries to foster the emergence of a landscape culture in the administration and among the general public. The content varies. These are often ad hoc provisions.

For instance, in Germany, those involved with the provision of information are federal agencies, state and private educational establishments, associations and private organisations.

Information is disseminated via the Internet, education, public campaigns, seminars and conferences for law professionals, planners and architects and for the general public.

In Belgium, the following examples were cited:

- in 1999, the Centre permanent de formation en environnement pour le développement durable (CePeFEDD) (Permanent Centre for environment training for sustainable development) organised a training course for officers working at municipal level on the Haute-Meuse river agreements, which was devoted principally to “elements of landscape analysis and management”;
- the 2001-2002 CPDT programme devoted one research theme to the landscape heritage;
- in 2002, the Walloon Region organised a colloquium on “Biodiversity and Landscape” in Liège.

In France, the Ministries of Agriculture, National Education and Culture offer numerous public “landscape” courses. Interest in these courses is growing.

In Greece, at present, there are only informal efforts and initiatives on the part of local communities and environmental protection associations, mainly through the organisation of public meetings or other events, or through local campaigns, which are raising public awareness and highlighting the need for public information.

In addition, there is a national trend towards government collaboration with associations to disseminate information on environmental matters. Associations are becoming major partners in the growing process of raising public awareness of the importance of the environment and the conservation of natural resources.

In Italy, in 1997, the Directorate General for architectural property and the landscape at the Ministry of Cultural Property and Activities inaugurated a public awareness campaign on landscape and environmental problems, which made provision for agreements with professional associations and non-governmental organisations. In this connection, we can cite an agreement signed on 20 March 2003 with Italia Nostra, one of Italy’s oldest environmental non-governmental organisations, which is part of the European Landscape Convention implementation process. Article 2 of the agreement provides for different activities, as follows:

- disseminating knowledge and awareness of landscape values;
- identifying original training methods in relation to landscape issues;
- promoting and favouring public participation in landscape matters;
- identifying the best means of implementing the European Landscape Convention.

Mention could also be made of the National Landscape Conference, organised by the Ministry in 1999, with the participation of local and regional authorities, professional associations and non-governmental organisations. The Conference had identified the need to set up a committee to study new legislation on landscape matters in order to continue the work it had started.

Nevertheless, there is generally no provision for public participation in the implementation of soft law instruments, such as labels or awards. For the

Netherlands, public participation in the context of soft law instruments is not desirable in that guarantees for effective public participation are more firmly established in official procedures.

Belgium, however, identifies three consultation instruments: the plan communal de développement rural (PCDR) (Municipal Rural Development Plan), the plan communal de développement de la nature (PCDN) (Municipal Plan for Nature Development) and the river agreement:

– The PCDR, which is able to promote the conservation of certain rural landscapes, attaches great importance to public consultation in accordance with the Walloon decree of 6 June 1991 on rural development and its implementing order of 20 November 1991. Within six months of its decision in principle to conduct a rural development operation, the municipality must set up a Commission locale de développement rural (CLDR) (local rural development commission). This is a consultative body available to the municipality, which answers all requests for opinions and expresses views, as necessary, on its own initiative.

– The PCDN (not to be confused with the PCEDN referred to above) is a voluntary programme for the municipality with the conservation and improvement of the natural and landscape heritage of its territory in mind. Throughout the drawing up process, the public must be widely informed (information sessions, mail shots of brochures, etc.) in order to encourage participation. In this way the municipality can establish as wide a partnership as possible: schools, associations, businesses, farmers, the hunting fraternity, cultural centres, spatial planning consultative committees, all interested parties, etc.¹⁸⁷

– According to the ministerial circular of 20 March 2001, the river agreement is a memorandum of understanding between as wide a body as possible of public and private stakeholders on objectives to reconcile the multiple functions and uses of watercourses, their banks and the water resources of the basin.¹⁸⁸

France has several soft law instruments. Although they provide an opportunity for close collaboration between the central government and local authorities, in which action is taken as a result of incentive, participatory and consensual policies, public participation in the context of these instruments is still somewhat hesitant. Two instruments can be identified:

– landscape plans:¹⁸⁹ these are reference documents drawn up by a “steering committee” and intended for the various public authorities (central government and local authorities). Starting with a cognitive phase designed to ensure a common landscape heritage shared by all actors, the procedure continues with the design

187. http://www.uvcw.be/cadredevie/guideju/pdf/II_I_7.pdf.

188. For an actual example, see Francis Rosillon, “Management of valley landscapes in the framework of the River Semois contract”, in contributions on theme I: “Integration of Landscapes in International Policies and Programmes and Transfrontier Landscapes”, Council of Europe, Strasbourg, November 2003, T-FLOR 3 (2003) 12.

189. For a representative example, see a publication produced by the Ballons des Vosges regional natural park, “Réussir un plan paysage”, 1998.

of a project, which must be reflected in a shared programme of action, including regulations (using an appropriate existing law), an operational dimension and an educational element. It is envisaged that the landscape plan will evolve into a “landscape agreement”.

– the landscape agreement: this consists of a programme of specific action reflecting a landscape project, forming part of a sustainable overall approach. Drawn up as part of a broad consultation process and participatory approach involving landscape professionals, the agreement is signed by the Prefect on behalf of central government and by the local authorities concerned. The different government departments and the public bodies whose activities may have an impact on the landscape are invited to participate in the actual implementation of the plan, which entails technical monitoring by a steering committee and a project leader.¹⁹⁰

8.3.7. Public influence on the final decision

As stated in the replies to questions V-1 and V-2, although the authorities’ decision is not necessarily bound by the outcome of the public participation, the participation procedures do allow the public to influence the final decision to a certain extent, depending on the political context. For example, the authorities have to justify their decision in relation to the views expressed by the public.

In Belgium, for example, the public inquiry provided for by law is an essential formality, which cannot be replaced by informal consultation with the applicant or by a previous inquiry, which may have dealt with a similar project. The grounds on which decisions are based must make reference, at least globally, to the claims made and state the *de jure* and *de facto* reasons which have led the authorities to reach their decision. In fact, as with all acts of administrative authorities, there has to be appropriate formal justification for these decisions (Articles 2 and 3 of the Federal Law of 29 July 1991 on the formal justification of administrative acts).

Occasionally, there are different degrees of influence. For instance, in Germany, the public authorities and the municipalities concerned, as well as farmers and similar organisations, have more influence than associations.

In Spain, a distinction has to be made between public consultation and public information. Only persons with an interest are granted involvement in the procedure to draw up a natural resources plan. They are informed of its adoption and have a right of appeal to the administrative court in accordance with Section 19 of the law of 13 July 1998 on administrative courts. People who have had access to public information have no right of appeal, but have the right to a “reasoned response” from the competent authority, by virtue of Section 86 of the law on common administrative procedure of 26 November 1992.

¹⁹⁰ Environment Ministry Circular No. 92-24 of 21 March 1995, Official Bulletin, *Ministère de l'équipement, du transports et du tourisme*, No. 11, 30 April 1995.

In Sweden, the procedure in relation to the determination of areas of national interest may be described as a partnership between the county councils and the SEPA. In addition, with regard to landscape planning in the context of spatial planning, the county councils and other central authorities can significantly influence the decision. In practice, private individuals and associations do not have significant influence.

In the countries where the concept of “public concerned” does not include individuals, such as Greece, there are no procedures to guarantee public influence, since the public is represented principally by the local authorities and the regional council. The public may exercise an indirect influence through participation in local councils or local or national associations, which are, more often than not, invited to parliamentary hearings or to the consultations that take place on draft legislation.

8.3.8. The effect of participation procedures on the integration of landscape concerns in the implementation of public policies

The answers to question V-3 reveal that, in general, it is accepted that participation procedures provide an opportunity to reinforce the integration of landscape concerns in the implementation of public policies, because programmes and plans relating to the landscape in the formulation of which the public has been involved, must be taken into account when decisions on other plans and administrative procedures are being taken, and the regulations applying to protected areas have to be complied with.

However, the views of the public and the plans and programmes relating to the landscapes which have been drawn up with their involvement need only be taken into consideration. The socio-economic considerations at stake (the development of commerce, industry, communications, etc.) are often in conflict with landscape interests and may take precedence over them.

What is more, there are no evaluation procedures as such.

8.4. Proposals for improving public participation in landscape protection, management and planning

In view of the fact that the European Landscape Convention enters into force in 2004, the states parties cannot delay any further enacting the provisions necessary to implement the convention. In particular, as it involves public participation in accordance with the requirements of Articles 5.c and 6.D of the convention, more than one proposal may be necessary. Although they are presented one after another, they will have to be applied simultaneously.

8.4.1. Landscape awareness and education

In the light of the replies to the questionnaire, a general principle of awareness and information on landscape matters needs to be established.

The public authorities must promote this awareness and information by compiling an inventory of landscapes, be they outstanding or unremarkable, of national, regional or local interest.

The inventory must culminate in a classification of landscapes. To this end, the ministers responsible for regional planning have proposed planning measures specifically to promote “the examination and general assessment of landscapes, the analysis of their characteristics, of their ecosystems and of the forces and pressures transforming them; the definition and use of landscape-quality objectives”.¹⁹¹

For the purposes of comparison, and to facilitate coherent transfrontier action, all states parties should compile an inventory based on common indicators, presented in a uniform manner.

This detailed inventory must constitute a comprehensive information base for the public and a reference tool for the different stakeholders. In particular, it should make it possible to promote actions such as:

- conservation of the landscape in its present state;
- restoration and rehabilitation of damaged landscapes;
- penalties for intentional or accidental damage.

In order to take account of these different actions, the inventory must be monitored and updated on a regular basis.

Information and awareness must also be promoted by a civil society which has been alerted to the issue of the landscape.

There are a number of methods for encouraging and increasing awareness:

- introducing the notion of landscape in concepts used to identify protected areas. In Sweden, for example, a nature conservation area may be classified as such on the grounds of its landscape interest. For the purposes of informing and raising awareness, ought we not to call this “a nature and landscape conservation area”?
- introducing the concept of landscape at all educational levels.

This objective can be achieved in a number of ways.

One way could be to organise outings for children and, quite simply, showing them the landscape. Outings of this kind may take place in a school context, but

191. European Conference of Ministers responsible for Regional Planning (CEMAT), Guiding Principles for Sustainable Spatial Development of the European Continent, recommendation to the member states Rec (2002) 1 adopted on 30 January 2002; on the question of public awareness and education see also Michel Prieur, “*Participation du public et rôle des organisations non gouvernementales dans le domaine du développement territorial durable*”, in Proceedings of the international seminar organised in Budapest on 26-27 March 2003, Council of Europe, European Regional Planning, No. 69.

could also be family outings, taking advantage of guided routes, a partnership with farmers, wardens, associations, etc.

In the context of certain disciplines (history, geography, natural sciences, etc.), it could involve highlighting the relationship between history, spatial planning and landscape.¹⁹²

By way of example, at Bleijendijk (close to Vught, Netherlands), many schools take their pupils out for one day each season to let them experience the seasons in the landscape.

The Belgian Royal Geographical Society has created more than 30 one-day “Man and Landscape” routes, described in booklets of around 40 pages, each of which is devoted to a specific theme (rivers and forests of the Ardennes, changes in rural areas, the traditional habitat in Famenne, and so on). These are accessible to the general public and give an intelligent explanation of the landscape, unrelated to the usual tourist approach.

– Organising a network of available information by making use of the media. An easily identifiable website in each state party could list official documents, original initiatives and groups or individuals who are active on the subject of landscape. Such a site could contain images and be available in different language versions. At the same time, the Council of Europe website could direct users to these sites. Using the press to relay official reports on the state of the environment, and the landscape in particular. Produce an illustrated handbook, or maybe even a calendar, of the landscape, for wide distribution, on the initiative of the Council of Europe. It might be appropriate for the handbook or calendar to contain illustrations of good and bad practice in landscape matters.

– Providing impetus for individual or collective private sector initiatives and encouraging co-operation between the public and private sectors. This means considering tax measures to encourage sponsorship and the setting up of non-profit-making organisations in the landscape area. It also means promoting consultative administration, such as consultative committees to encourage more frequent exchanges, etc. Particular emphasis could also be placed on assistance for youth projects and initiatives, in particular, could be given preference as a means of helping young people to develop a sense of responsibility and independence, and to become social players themselves. Local authorities should, therefore, make it possible for them to be supervised by professionals and facilitate access to financial, material and technical aid.¹⁹³

By way of example, in Hungary, the Pagony studio in Budapest, which was set up in the early 1990s, is a landscape and garden architecture studio which invents

192. For other examples, Council of Europe, European Youth Centre, “Keys to participation – a practitioner’s guide”, Council of Europe Publishing, 112 pp, in particular, pp 40-47, two examples of municipal councils of children and young people, in the environment field in France.

193. Council of Europe, Congress of Local and Regional Authorities of Europe “Revised European Charter on the participation of Young People in Local and Regional Life”, 21 May 2003.

ways of merging the phenomenological and environmental dimension of the landscape with the actual social structure of the site. For instance, it has created a forum of five villages in the Dörög basin which brings together farmers, local authorities, environmentalists, hydrologists, ecologists, historians, etc. and gives them the opportunity to share their preferences, objectives and points of view.

– creating a landscape award in order to reward good practices, identify and criticise bad practices and make the different players aware of their responsibilities.

A diploma equivalent to the *Diplôme européen des espaces protégés* (European Protected Areas Diploma) could be introduced in each state party.

In Armenia, a competition on landscape was organised in all schools throughout the country (primary and secondary) as a means of raising awareness. Each pupil had to draw a landscape. A panel of judges selected the best drawing in each category. An exhibition of the best of the children's landscape drawings was held in Yerevan on 23 October 2003 and later in Strasbourg, at the Council of Europe venue, on 27 November 2003.

In France, the Ministry for Culture launched a public awareness campaign on the quality of architecture from October 2002 to June 2003. This consisted of:

– awarding a special public prize (at regional level) based on a selection of buildings put forward by the regional media – a competition for young people with the participation of architects from *Conseils en architecture, urbanisme et environnement* (CAUE) (Architecture, planning and environment councils) or schools of architecture. The professionals supervise the work of groups of young people on an architectural project;

– creating discovery trails in the form of exhibitions and public debates;

– publishing regional guides;

– creating a website: www.aimerlarchi.fr.

Lastly, in an original initiative, a national environmental protection association (France – nature – environnement) organised a “prize” to be awarded to the least effective protector of the environment. The prize is awarded to a damaged landscape and is also intended to raise awareness.

8.4.2. Training and research in landscape matters

All states need to identify, list and disseminate training procedures on landscape issues. These will assist in raising the awareness of young people by alerting them to these options when they are deciding on the direction their studies will take.

Three years ago, the European Union launched a network of themes on landscape architecture designed to encourage co-operation between universities and interested

institutions in teaching and research in landscape planning and management, as a means of improving the quality of teaching and research on this subject.¹⁹⁴

A further means of alerting young people is to include a landscape approach in certain single-discipline syllabuses.

In particular, the questionnaire revealed that only rarely were professionals (landscape planners, town planners) identified with the title “public concerned”. This kind of training, therefore, needs to be reinforced.

At the same time, training in the environment and, more specifically, in the landscape, ought to be offered to professionals and others engaged in tourism, agriculture, amenities, etc.

Training of this kind could use awareness-raising tools especially targeted on these professions.

For example, in Finistère (Brittany), in France, a photographic observatory on a farm has been in place since 1996 as part of an experiment with sustainable development plans. On this farm, the aim is to improve independence from inputs by reducing the proportion of maize in the crop rotation, by better and prolonged use of grass by maintaining water meadows and replanting hedges to shelter the animals. The buildings also have to be improved. Thirteen views, photographed on a regular basis since 1996, show the changes that have actually taken place, compared with what was forecast. The photos also make it possible to analyse the impact of agricultural production and practice on the landscape.

Interdisciplinary research needs to be encouraged in order to reveal the historical, environmental, economic, and other aspects of landscape and there should be broader dissemination of this research during colloquies open to a broad public.

8.4.3. The procedures for participation in landscape matters

One prior requirement is the effective implementation, in each state, of an ad hoc policy on the landscape which stresses the combination of protection, management and planning. Once this aim has been clearly stated, the public participation instruments which it is intended will accompany the formulation and implementation of the landscape policy must then be strengthened.

Participation procedures must, therefore, ensure that these two stages can be carried out. Indeed, “it is during the actual implementation of projects in the field that decisions are taken to build or carry out works, the often irreversible character of which will have an impact on the environment, whether on the landscape, soil or biological diversity. The public, as a rule, is more sensitive to visible operations

194. Ingrid Sarlov-Herlin, “New challenges in the field of spatial planning: landscapes”, in contributions to theme 1: “Integration of Landscapes in International Policies and Programmes and Transfrontier Landscapes”, Council of Europe, Strasbourg, November 2003, T-FLOR 3 (2003) 12.

than to plans. Consequently, the conditions of participation and the effects of this on the public decision-making process call for procedures to be adapted to one or other of these situations. In many cases, national law has made better provision for participation procedures for individual permits than for more general and abstract plans.¹⁹⁵ This imbalance will, therefore, have to be corrected.

With regard to the formulation of landscape policies, a number of proposals can be made:

- opening up the initiative to designate an area of landscape interest to local institutions and populations;
- extending preliminary evaluation procedures to any project that might have an impact on the landscape. Making the impact study available to the public;
- depending on the national, regional or local importance, setting up a committee to represent the different interests concerned or appointing an independent and competent person as a point of contact throughout the decision-making process;
- enabling the public to comment on projects within the framework of procedures offering guarantees of transparency and representativeness;
- deciding on the final project taking account of comments submitted by the public. Setting out the reasons for the final selection at a mandatory public meeting;
- publicising the final selected project and the measures which will be necessary to implement it.

With regard to the measures necessary for implementation, a number of avenues could be explored:

- prioritising protection, management or enhancement measures involving the local population;
- setting a period for return of information on implementation of the project;
- setting a longer period to review the project. The initial participation procedures will then be resumed;
- identifying at national and regional level a reference service to provide support, where necessary, to local institutions and popular initiatives in implementing their landscape-related actions;
- putting in place a procedure or an institution for situations of conflict, negotiations, arbitration, etc.;
- encouraging professionals to improve public consultation techniques;
- promoting exchanges of experience on successful or failed landscape initiatives based on participation.

195. Michel Prieur, “*Participation du public et rôle des organisations non gouvernementales dans le domaine du développement territorial durable*”, in *Développement territorial durable: renforcement des relations intersectorielles*, Proceedings of the international seminar organised in Budapest on 26-27 March 2003, European Regional Planning, 2003, No. 69, Council of Europe Publishing.

Measures may concern certain stakeholders more specifically. In the case of owners or farmers, an aid facility could be developed (advice, subsidy, tax reduction, and so on) to help them to conserve or improve the landscape.

Similarly, abandonment of ownership rights or entry onto an individual's private property could be facilitated by legal provisions when the protection, management and enhancement of the landscape are at stake.

For example, in France, the "Agriculture et paysage" (agriculture and landscape) association set up in 1996 in the area of Saint-Amarin (Alsace) brings together a number of municipal councillors and 30 farmers and looks after 1,600 hectares of municipal land. The farmers are assisted by two executives and three officers who are specialists in landscape management, who are employed by the association. Most of the measures undertaken (rehabilitation of grassland, organising farmers' markets, implementing landscape plans in the regional natural park of the Ballon des Vosges, etc.) involve the farmers and local people. The farmers are compensated for their landscape management work partly by the local, regional and national authorities and the European Union and partly by agro-environmental provisions.

With regard to the public concerned, the interpretation of "public" ought to be extended to its meaning in the broadest sense, including individuals regardless of their place of residence.

Specifically, before each project, the public concerned ought to be identified, namely owners, inhabitants, the associations which are present, the represented communities, the bodies from outside the area, but which are also affected by these limits. In each case, the origin of these different persons and their needs should be analysed.

In the case of border areas, participation should be open to residents and non-residents and participation procedures should be adapted to take account of linguistic considerations in border regions.¹⁹⁶

For example, the Champlain-Richelieu valley (Quebec, Canada; Vermont and New York) has been shaped over the course of two centuries by agriculture, forestry and water transport. The landscapes and historical sites of this border region are witness to an important part of the history of the United States and Canada, and the ancient links with British and French explorers and settlers, and constitute a natural landscape.

The valley is considered in both the United States and Canada as a national heritage area. On both the American and Canadian sides, professional and public meetings are organised in the different regions to obtain public consent and comments.

196. On this point, see also: Council of Europe, "The role of local and regional authorities in transnational co-operation in European spatial development programmes", Proceedings of the International Seminar organised in Dresden (Germany) on 15-16 May 2002, European Regional Planning, 2003, No. 67, Council of Europe Publishing.

There is a political and linguistic barrier to the implementation of development projects. However, practice in the different regions of the valley reveals that public participation can help to build and develop local links between the different communities, overcoming political barriers. The communities and the inhabitants are prepared to engage in voluntary action to protect natural and cultural resources, including private stakeholders (farmers) and a public-private partnership.¹⁹⁷

8.4.4. The integration of landscape protection in different sectoral policies

The integration of landscape policies must involve all public policies with a view to co-ordinating the different actors and achieving consistency in the action undertaken.

In particular, integration must be visible in policies relating to spatial planning,¹⁹⁸ the economy, agriculture, forestry, fishing, town and infrastructure planning, culture, environment, social development, etc.

This aim of integration also imposes a need to view implementation of the Landscape Convention in the light of other international conventions which aim to protect the environment. In particular, account should be taken of the results of implementation of these different conventions and existing networks (“Natura 2000”, which was set up in application of the “Habitats” and “Birds” directives; “Emerald”, set up under the Bern Convention, etc.).

In the case of agriculture policy, where the link with the landscape is particularly obvious, several proposals can be made with a view to integrating landscape and increasing the involvement of farmers.

What is needed is to identify and encourage good agricultural practice, first by harvesting farmers’ knowledge, and then by disseminating this through training and advice and, finally, supporting substitution measures, with incentives if necessary.

With regard to the environmental conditions laid down for entitlement to certain subsidies, it is necessary to identify the conservation and enhancement of the landscape as a completely separate objective and prioritise agro-environmental measures which favour the beauty of the landscape (conserving forests, planting hedges, extension of crop production, diversification of production, etc.).

A partnership between farmers and the other players ought to be encouraged to raise awareness of the social role of the farmer. This could involve encouraging farm tourism or, more generally, green tourism, school visits, and so on.

197. The World Conservation Union (IUCN), “Management guidelines for IUCN category V protected areas – protected landscapes/seascapes”, September 2002.

198. Council of Europe, “Landscape heritage, spatial planning and sustainable development”, proceedings of the international seminar organised in Lisbon (Portugal) on 26-27 November 2001, *European Regional Planning*, 2003, No. 6, Council of Europe Publishing.

For example in the United Kingdom, the Farming and Wildlife Advisory Group (FWAG) is a British foundation whose objectives are to provide advice for farmers, owners and other actors to promote compatibility between agricultural practice and the conservation or creation of habitats for wildlife in agricultural areas.

The foundation was set up in 1969 on the direct initiative of a group of farmers and supporters of environmental protection. It endeavours to provide the best technical advice and the best principles on the development of landscapes, the heritage and wildlife, resource management and welcoming visitors through sustainable agriculture. It is operated by a network of professional advisers, each from 65 local groups led by a committee of volunteers.

The foundation opts for a whole-farm approach, with advice based on a detailed analysis of the wildlife and the habitat on the farm and its environment, providing information on the consequences of the activity from the point of view of chemicals, waste and pollution. As a rule, the initial visit is free of charge, the amount of the fee depending on the work/advice requested. The farmer can expect a detailed report with recommendations for short-term and long-term management.

The foundation has a website (www.fwag.org.uk) for promoting ideas and best practice. International exchanges are possible, using images to overcome the language barrier.¹⁹⁹

199. The World Conservation Union (IUCN), "Management guidelines for IUCN category V protected areas – protected landscapes/seascapes", September 2002.

APPENDICES

APPENDIX I

Questionnaire relating to the implementation of Articles 5.c and 6.D of the European Landscape Convention

European Landscape Convention
signed in Florence on 20 October 2000
(available on: <http://coe.int/Europeanlandscapeconvention>)

*Submitted by Sylvie DUROUSSEAU
CRIDEAU, CNRS-INRA*

Article 5.c: Each party undertakes to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph *b* above.

Article 6.D: Each party undertakes to define landscape-quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.

I. Definition of the public aimed at Articles 5.c and 6.D of the Landscape Convention

I.1. In a general way, which is the public concerned with the definition and/or the implementation of the landscape policies (Article 5.c)?

– such as local and regional authorities?

– such as public (non-governmental organisations, representatives of the economic and social interests ...)?

– such as other actors (professionals, such as landscape designers, town planners, farmers ...)?

I.2. Does the definition of the landscape-quality objectives (Article 6.D) utilise the same public?

I.3. Are there any examples, within the framework of formal or informal practices, for which the participation was widened in another public?

II. Field of application of the procedures of public participation in landscape matter

- II.1. Is there any law, a general principle of participation? Quote the text.
- II.2. Which are the procedures of participation specific to the definition of the landscape policies? Specify the texts and the examples.
- II.3. Which are the procedures of participation specific to the implementation of the landscape policies?
- II.4. Which are the procedures of participation specific to the definition of the landscape-quality objectives?
- II.5. Are the requirements of Article 5.c and Article 6.C perceived like autonomous or bound requirements? Specify.
- II.6. Which are the public policies concerned with the procedures of participation in landscape matter?
- II.7. Which public policies potentially concerned are not targeted by these procedures? Are there any evolutions envisaged?
- II.8. Is the participation of the public planned for the placement of flexible instrument of right (label, price ...)?
- II.9. Are there any procedures of participation specific to the urban landscape? to the rural landscape? to the remarkable landscape? to the banal landscape? to the degraded landscape?
- II.10. Are there any formal and/or informal practices particular to certain public policies? to certain territories (mountain, littoral, local specificities ...)? to certain landscapes (remarkable, degraded ...)?
- II.11. Are the existing procedures of participation adapted to the situation of the transborder landscapes? Give an example.

III. Procedures and methods of the participation of the public in the definition of the landscape policies

- III.1. Are the institutions (federal, national, local) which have in load the definition of the landscape policies opened with the local and regional authorities? with the public? with the professionals?
- III.2. By which procedures is the participation exerted in the definition of the landscape policies?
- III.3. Which are the methods of these procedures of public participation (written and/or oral; direct and/or indirect)?

III.4. Are the institutions (federal, national, local) which have in load the definition of the landscape-quality objectives opened with the local and regional authorities? with the public? with the professionals?

III.5. Are there any structures created in order to formulate the landscape-quality objectives? Are these structures opened with the local and regional authorities? with the public? with the professionals?

III.6. By which procedures is the consultation exerted in the definition of the landscape-quality objectives? Is there a legal difference between consultation and participation?

III.7. Which are the methods of these procedures of public consultation (written and/or oral; direct and/or indirect)?

III.8. Is there any device of formation and information to support the emergence of an administrative and citizen culture of the landscape?

III.9. How can you describe it? Which actors (state, local communities, schools, non-governmental organisations ...)? Which means (internal formation, internal circular, public meeting ...)?

IV. Procedures and methods of public participation in the implementation of the landscape policies

IV.1. Are the institutions (federal, national, local), which have in load the implementation of the landscape policies opened with the local and regional authorities? with the public? with the professionals?

IV.2. By which procedures is the participation exerted in the implementation of the landscape policies?

IV.3. Which are the methods of these procedures of public participation (written and/or oral; direct and/or indirect)?

V. The procedure effects of public participation in the landscape matter

V.1. Do the procedures of participation make it possible the public to exert an influence on the final decision? In the case of a direct participation in the decision-making, which is the public concerned (public and/or private actors), and which is the level of influence on the decision?

V.2. Do the consultation procedures make it possible for the public to exert an influence on the choice of landscape-quality objectives?

V.3. Do the procedures of participation contribute to reinforce the integration of the landscape concerns in the implementation of the public policies?

APPENDIX 2

Section 6 of the French constitutional law No. 2003-276 of 28 March 2003 on the decentralised organisation of the Republic

Journal officiel de la République française

(Official Gazette of the French Republic) No. 75 of 29 March 2003, page 5568

The following Article 72-1 shall be inserted after Article 72 of the Constitution, and shall read as follows:

“Article 72-1. – The law shall establish the conditions under which the electors in each territorial unit may, by exercising the right of petition, request the inclusion on the agenda of the deliberative assembly of that authority of an issue that falls within its competence.

In accordance with the conditions provided for by institutional act, draft decisions or acts falling within the competence of a territorial authority may, on its initiative, be submitted for a decision by referendum to the electors of that community.

Where there is a proposal to create a special status territorial unit or to make changes to the way in which it is organised, a decision may be taken by statute to consult the electors registered in the units concerned. Electors may also be consulted on changes to the boundaries of territorial units, under the conditions provided for by law.”

APPENDIX 3

Directive No. 2003/35/EC of 26 May 2003 providing for public participation

OJEC, No. L 156 of 25 June 2003, Appendix II

Public participation in decision-making

1. The public shall be informed (by public notices or other appropriate means such as electronic media where available) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:

(a) the application for a permit or, as the case may be, the proposal for the updating of a permit or of permit conditions in accordance with Article 15(1), including the description of the elements listed in Article 6(1);

(b) where applicable, the fact that a decision is subject to a national or transboundary environmental impact assessment or to consultations between member states in accordance with Article 17;

(c) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;

(d) the nature of possible decisions or, where there is one, the draft decision;

(e) where applicable, the details relating to a proposal for the updating of a permit or of permit conditions;

(f) an indication of the times and places where, or means by which, the relevant information will be made available;

(g) details of the arrangements for public participation and consultation made pursuant to point 5.

2. Member states shall ensure that, within appropriate time-frames, the following is made available to the public concerned:

(a) in accordance with national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned were informed in accordance with point 1;

(b) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, information other than that referred to in point 1 which is relevant for the decision in accordance with Article 8 and which only becomes available after the time the public concerned was informed in accordance with point 1.

3. The public concerned shall be entitled to express comments and opinions to the competent authority before a decision is taken.

4. The results of the consultations held pursuant to this Appendix must be taken into due account in the taking of a decision.

5. The detailed arrangements for informing the public (for example by bill posting within a certain radius or publication in local newspapers) and consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the member states. Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Appendix.

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